



**THORNAPPLE TOWNSHIP
PLANNING COMMISSION
Meeting Agenda
Monday, April 27, 2026
7:00 P.M.**

- 1. Call to Order (7:00 P.M.)**
- 2. Approval of Agenda:**
- 3. Approval of Minutes** February 23, 2026
- 4. Citizen Comments:**
- 5. Public Hearings:**
 - a. SLU-182 Cornerstone Builders & Developers, Cornerstone Estates
- 6. New Business:**
- 7. Unfinished Business:**
 - a. SLU-181 Patterson Ponds Mining Operation, Galloway Excavating
- 8. Committee Reports:**
 - a. Ordinance Committee – *[Kilgore, Finkbeiner, Rairigh, Gasper (alt)]*
 - b. Site Plan Committee – *[Finkbeiner, Denton, Wandrie, Hansson (alt)]*
 - c. Joint Planning Committee – *[Rairigh, Gasper, Denton, Kilgore (alt)]*
- 9. Administrator's Report:**
 - a. Zoning Ordinance Audit – Committee should meet for review of some ordinances
 - b. Zoning Report – see attached
 - c. Code Enforcement Report – Log included
- 10. Commissioner Comments:**
- 11. Adjournment**



**TOWNSHIP OF THORNAPPLE
Planning Commission**

*Tom Kilgore / Sandy Rairigh / Bryan Finkbeiner / Linda Gasper / Craig Wandrie /
Elizabeth Hansson*

REGULAR MEETING

February 23, 2026, 7:00 PM

Meeting held at Thornapple Township Hall, 200 E Main St., Middleville, MI 49333

1. CALL TO ORDER

The meeting was called to order by Chairman Tom Kilgore at 7:00 pm at the Township Hall.

Present: Wandrie, Rairigh, Kilgore, Gasper, Finkbeiner

Absent: Hansson

Also Present: Phil Gensterblum, Zoning Administrator; Todd Boerman, Township Engineer; Jeffrey Sluggett, Township Attorney, Ryan Whitley, on behalf of Vertical Bridge and Verizon, Carson and Spence Galloway/Excel Excavation Group LLC

Guests: 60+ concerned residents and supporters of Mr. Galloway.

2. APPROVAL OF PRINTED AGENDA:

Motion Stated:	Motion by Gasper to approve the printed agenda as presented.
Motion Supported:	Finkbeiner
Motion Status	Approved by voice vote. 5 ayes and 0 nays. MOTION CARRIED.

3. APPROVAL OF MINUTES:

Motion Stated:	Motion by Finkbeiner to approve the Minutes of the Jan 26, 2026, Planning Commission Meeting as presented.
Motion Supported:	Wandrie
Motion Status	Approved by voice vote. 5 ayes and 0 nays. MOTION CARRIED.

4. CITIZEN COMMENTS (matters not on the agenda):

None.

5. PUBLIC HEARINGS:

- a. **SLU-180 Proposed Cell Tower**, Vertical Bridge (The Towers, LLC) Adams/Bender Rds. Site plan 131.

Background: Mr. Whitley approached the township about putting up the cell tower.

Mr. Boerman states that a structural review is not part of his review and recommends a performance bond.

Ryan Whitley, on behalf of Vertical Bridge and Verizon requests to construct the cell tower (190 ft tall). They will use existing roads to access the facility.



Ms. Gasper refers to Section 19.31 - Special Performance Standards - Tower Specifications. Will this be far enough away from the barn in the case that it would fall and not hit the barn? Mr. Whitley replies that the design for the tower is that it will fall in on itself.

Discussion on additional conditions of a performance guarantee and future land division to be agreed upon by the Planning Commission at a future date.

Mr. Gensterblum has had no feedback from the community on this.

Public Hearing opened at 7:11 pm.

Public Comments: None

Public Hearing closed at 7:11 pm.

Planning Commission Comments:

Ms. Rairigh asks about the performance bond? A \$50,000 bond was set in another township. Mr. Boerman would prefer to have an administrative fee added on, and suggests some sort of adjustment or cushion for future inflation.

Mr. Sluggett suggests moving forward on a performance guarantee to be reviewed and approved by staff.

Mr. Kilgore notes that you can't see this tower because of the barns, and he sees no problem waiving the requirement for the landscape screening. Mr. Sluggett recommends they condition the landscaping on staff's review and approval.

Motion Stated:	Motion by Gasper to approve SLU-180 Proposed Cell Tower, site plan 131 with the Performance Standards 1-25, and an addition to #22 conditioned on a performance guarantee of a mutually agreed upon amount to be reviewed and approved by staff. In addition, add a condition #26 - that any future land division must come before the Planning Commission.
Motion Supported:	Finkbeiner
Motion Status	Approved by roll call vote. 5 ayes and 0 nays. MOTION CARRIED.

Roll Call:	Kilgore Rairigh	Yes Yes	Finkbeiner Gasper	Yes Yes	Wandrie	Yes
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- b. **SLU-181, site plan 132. Proposed Mining Operation, Excel Excavating, Patterson & Gackler Rds.**

Staff Presentation:

Mr. Gensterblum states the owner desires to remove sand with a 10 year plan. The site plan committee and Mr. Boerman met and addressed questions.

Applicant Presentation by Carson Galloway/Excel Excavation Group LLC.

Spence Galloway spoke and gave family background showing longevity in this community. He stated his care for the community and a commitment to honor the community. They love this township. He



noted the optimum mining community along the Patterson corridor. The demand for sand and gravel is growing exponentially. The logical place for a pit is along a truck route, and Patterson is a truck route.

Carson Galloway led through a PowerPoint presentation including the following information:

Spencer and Carson Galloway are a father and son company and are local residents that support approximately 50 families with their business. He showed the commission a "Final Product Vision" that includes 18 or fewer new homes around the outside (no new streets) of the property, each lot of 1.5 acres or greater with ability for a pole barn. No homes will border Deer Run, keeping the scenic view. Deer and wildlife would have an area to access the water. No more farm chemicals or manure running onto the land from farms. The sand mining plan is only for sand - not gravel. If gravel is found, no washing or crushing would be onsite - they would haul gravel away. This is a planned sand removal operation only. There will be no industrial use or new buildings. The current plan is to remove sand to 5-7 ft above the water table, and then go back.

For safety and nuisance mitigation measures: the entrance and exit would be onto Patterson only, with zero truck traffic allowed on Gackler, 143rd, or 144th. They are proposing a paved asphalt entrance 250 ft into the site, and a stone mat and sweeper. All haul roads within the site will be made out of asphalt millings and treated to keep dust down. If that doesn't work they will put in a sprinkling system to sprinkle roads, as they know dust is a major concern. They plan to fully fence the property and each entrance would be gated and locked when not in use. They will operate only in allowed hours of operations with cameras at the entrance. Six foot dust and noise berms are planned on the east and west side of the property, and setbacks will be observed. All backup beepers will be swapped up to a white noise back up beeper. The self-made hole (approx 25 ft deep) will mitigate dust and sound. All areas not actively being mined will be farmed.

Phasing Plan: a diagram was shown with the yearly plan for site work on the property. Their goal and intention is to limit the mining to a 10 year plan.

Community Concerns:

Silica Dust - they will scoop and load sand. No crushing, cutting, drilling, or sawing at the site and this removal will not cause Silica Dust. They will take every precaution to mitigate dust.

Property Values - property values of homes will increase when complete. The vision fits with Thornapple Twp with natural scenery and larger lots.

Wetlands and Wells - there are no wetlands impacted or touched, no water will flow out of the mine, it all will remain in the hole. No forests are impacted or touched. All permitting for a pond must go through EGLE, and a hydrogeologic study and report will be needed to permit a large pond to ensure no water table impacts. If EGLE does not allow for one large pond, they will make 3 or 4 smaller ponds. EGLE requires them to be liable for any surrounding well issues if they are found to have caused issues with the water table. They are proposing to go 60-65' deep.

Comparative Mining in Thornapple Township: The operation on Finkbeiner between Cherry Valley and M37 has no complaints from neighbors. Barry County Road Commission owns a pit very close to a neighborhood. Mining and agriculture are prevalent in this area - there are 13 pits in this area - all near farm lands and single family homes. This is where the resources are located. They are hoping to access the resource and make something nice out of it. There is a need in the township for larger lots for homes. Carson shows what is likely to happen if they don't mine sand and have to sell the land to a developer. They would anticipate many new smaller lots, roads, construction, with no natural space left. He feels that doesn't fit the community.

Conclusion: They want to provide something nice for the community and for families. There is a need for the sand. They know that change is hard, but they want to be good neighbors.

Public Hearing open at 8:00 pm

Public Comments (limit to 3 minutes):



Jordyn Roodvoets, 5625 Caribou Ct. Deer Run Estates. Thirty homes have been built in Deer Run Estates. The HOA and residents strongly object to the mine. Concerns: 1) Dust and air quality, noise and vibration. 2) Environmental concerns including water table, runoff and setbacks. 3) Property values and marketability. 4) Industry perspective, EXCEL has the most OSHA violations of companies in the area. 5) The HOA has concerns about oversight of the project and accountability.

Chad McNeil, 12698 Stags Leap Ct., Deer Run Estates. Our homes are our biggest investment. He feels the range of depreciation on day one is between a 10-20% investment loss. Chad states concerns with the uncertainty of the plan and says there are no guarantees in writing. He asks the PC to protect the residents.

Preston Wills, 5061 Caribou Ct., Deer Run Estates. Mr. Wills asks if the PC would approve a mining operation next to their house. He and his wife chose this community intentionally and feel that several of the reasons they moved here are at risk because of the mining possibility next door to their house. He states concern for the precedent that approval of a mining operation next to residential areas sets. He states this is a dangerous precedent to allow in Thornapple Twp. He would not have moved to the community 4 years ago if this mining operation was there.

Mike Schipper, 5730 Crooked Hoof Trail, Deer Run Estates. The most important thing for the township is not creating bad precedent, and he feels this mining operation creates a bad precedent. He asks the PC not to set that precedent with this decision.

Michael Gower, 5106 Harvest Dr, by Patterson and Finkbeiner. Mike is worried about air quality. He has respiratory issues and feels this would be detrimental to his health and his family.

Ryan Martin, 4254 Patterson. Ryan grew up on Patterson Ave. He has raised his family there and states the impact of mining has been very low. Hunderman is going to be expanding. He doesn't want to see a pit or 30+ houses across the road. But the positive is he feels he needs to trust the Galloways. He's grown up around gravel pits and says he hears more from the cows at the dairy than from the gravel pit.

James Baker, 12861 Gackler Rd. This proposed mining is directly across the street from his house. He sees the field that is to be destroyed as more agricultural land is lost. The proposal is for 10 years, and he feels this will ruin his view. He says he can handle the smell of manure.

Carroll Burgess, 143rd Ave. Mr. Burgess is a direct neighbor to Rocky Top Sand & Gravel and good friends with the Hundermans. He has never even seen a plan for the other mine sites. Carson Calloway showed him the plan, and he commended them for putting together a future plan. He also hears more from the Den Dulk dairy farm than he does from the Hunderman mining. The noise is not at all a nuisance. If the pond doesn't go in, he feels there will be much more traffic on his gravel road, creating lots of dust.

Jessica Groendyke, 5575 Crooked Hoof Trail. This proposed mining is steps from their property line. She is a realtor and feels their property value will decrease. Would you want to live with this in your back yard?

Mike Flierman, 9582 Adams Rd. Carson Calloway has been mining by him for 3-4 years, and has always been cordial and responsive to him. Mike understands that if this project is denied, the land will be sold to another builder who puts a bunch of houses in there. Carson Calloway has been reliable for the promises he has made to Mike.



Erin Geik, 12742 Stags Leap Court, Deer Run Estates. She and her husband were some of the first to move into Deer Run and love the community, neighbors, the green space, ponds, water, and wildlife. They do not want to have giant berms and fencing in their view. They do not want 10 years of mining there.

Blaine Rison, 2947 Dan Valley Drive. He grew up on Duncan Lake Road and Gackler and is in the trucking industry. He has known Carson Calloway for a long time. He has done business for Carson and knows him to be true to his word. He feels there is no problem with truck traffic on his road. The pits on Patterson are getting mined out and they have to go farther out to get material. Sand is a vital part of building, roads, septic systems, etc. Mr. Rison speaks in support of Calloway.

Curt Dekam, 11235 Jackson Rd. I live on the other side of the pits on Patterson and have seen no downside. He thanks Carson for his investment and for the great plan. We need sand. He feels Carson Calloway is protecting his investment and his property. What about the precedent set to deny an owner what he can do on his property?

Public Hearing closed at 8:31 pm

Planning Commission Comments:

Attorney Sluggett reminded the PC of the standards that the PC is held to. When it comes to mineral extraction, there are local laws (zoning ordinance), including general standards and specific standards for mineral extraction activities. The State of Michigan has a statute that says the burden is on the township to establish that the mineral extraction would have very serious consequences.

Ms. Gasper asked about topsoil being used for berms, and Carson states that is correct. No topsoil will be hauled away from the site. That is what they have committed to the township. They are not asking for a contractor yard at this time. Staging would be limited to what is needed for the loaders, there is no staging of materials.

Todd Boerman, Engineer, states that Barry County Road Commission will be reviewing the driveway and a permit will be needed from them. He made a number of comments in a letter, including truck tire washing and timing suggestions in terms of mining in relation to the berm construction. He has submitted several proposed conditions. The hydrogeologic study is important, and also to know what is permitted in the 2 year cycle. The performance bond recommended is \$6,000 per acre.

Mr. Kilgore asks Carson about berms. The intention is to berm the east and west sides before mining, keeping farming on the south line and there is a natural berm on the north. They intend to berm before beginning mining.

Ms. Gasper says they have heard a lot of information, some from passionate residents and some from supportive colleagues and co-workers. This is a big deal because it is near residences. As someone who lives near a gravel pit on Jackson Rd, she states there is less interruption from the mining than from the farms around them. The burden is on the PC to establish that the mining would have very serious consequences, and she is not sure what that would be. The plan Carson presented tonight is more than she has ever seen in 25 years on the Planning Commission. It means a lot that there is a lot of foresight, and what the owners see as a neighbor of the property as well.



Mr. Finkbeiner believes that with the investment they have made in this property, if it doesn't go to the pit, it will go to multiple smaller homes. There is no great solution. If this has to happen, it's one of the better plans we have seen. He doesn't believe there will be any more truck traffic than is already on Patterson. But he acknowledges that it is in some people's backyard.

Mr. Sluggett says that it's not unusual in mining to have a Development Agreement that states very clearly what the requirements are and it gets recorded against the property, so to the extent that the PC is looking for some level of assurance, as to what you're 'buying' - if you're inclined to approve, we could have a subsequent meeting and bring something forward for your consideration. We've done it in numerous circumstances in the past.

Ms. Gasper notes that we are talking about a small piece of property here with limited resources and an expiration date.

Mr. Sluggett has samples of these conditions or requirements being added in the past, and says it could be done in two weeks after sitting down with the applicant.

Motion Stated:	Motion by Gasper to table SLU-181 Proposed Mining Operation, site plan 132, Excel Excavation, Patterson & Gackler Rds. and postpone until the next meeting, March 23, 2026. At that time a conditional Development Agreement will be brought to consider in making their decision.
Motion Supported:	Finkbeiner
Motion Status	Approved by roll call vote. 5 ayes and 0 nays. MOTION TABLED.

Roll Call:	Wandrie Gasper	Yes Yes	Finkbeiner Rairigh	Yes Yes	Kilgore	Yes
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6. NEW BUSINESS: None.

7. UNFINISHED BUSINESS:

- a. Cornerstone Development - The developer will be approached and asked to request a conditional rezoning of the property to RE.

8. COMMITTEE REPORTS:

- a. **Ordinance Committee (Kilgore, Finkbeiner, Rairigh, Gasper (alt):**
Work is continuing on the entire ordinance, and they anticipate completing the work in June.
- b. **Site Plan Committee (Finkbeiner, Wandrie, Hansson (alt):**
Nothing.
- c. **Joint Planning Committee (Rairigh, Gasper, Kilgore (alt):**
They are planning to schedule a meeting in March.

9. ADMINISTRATOR'S REPORT:

- a. **Zoning Ordinance Audit** – the Committee should meet for review of some ordinances.
- b. **Zoning Report** – Mr. Gensterblum has received a permit request for a pool. There is a resident who was found to be living in an accessory building, and is now going through the permitting process to get everything proper and legal.
- c. **Code Enforcement Report** – nothing.

10. COMMISSIONER COMMENTS:

Kilgore: Nothing.



Rairigh: Nothing.

Finkbeiner: Nothing.

Gasper: The Sun and News reported that Jack Spencer passed away at age 103. He was one of the original members of the Planning Commission. Mr. Spencer was an exceptional member of this body and is recognized for all he did for the township.

Wandrie: Nothing.

11. ADJOURNMENT:

TIME: 8:59 P.M.

Motion Stated:	Motion by Finkbeiner to adjourn at 8:59 P.M.
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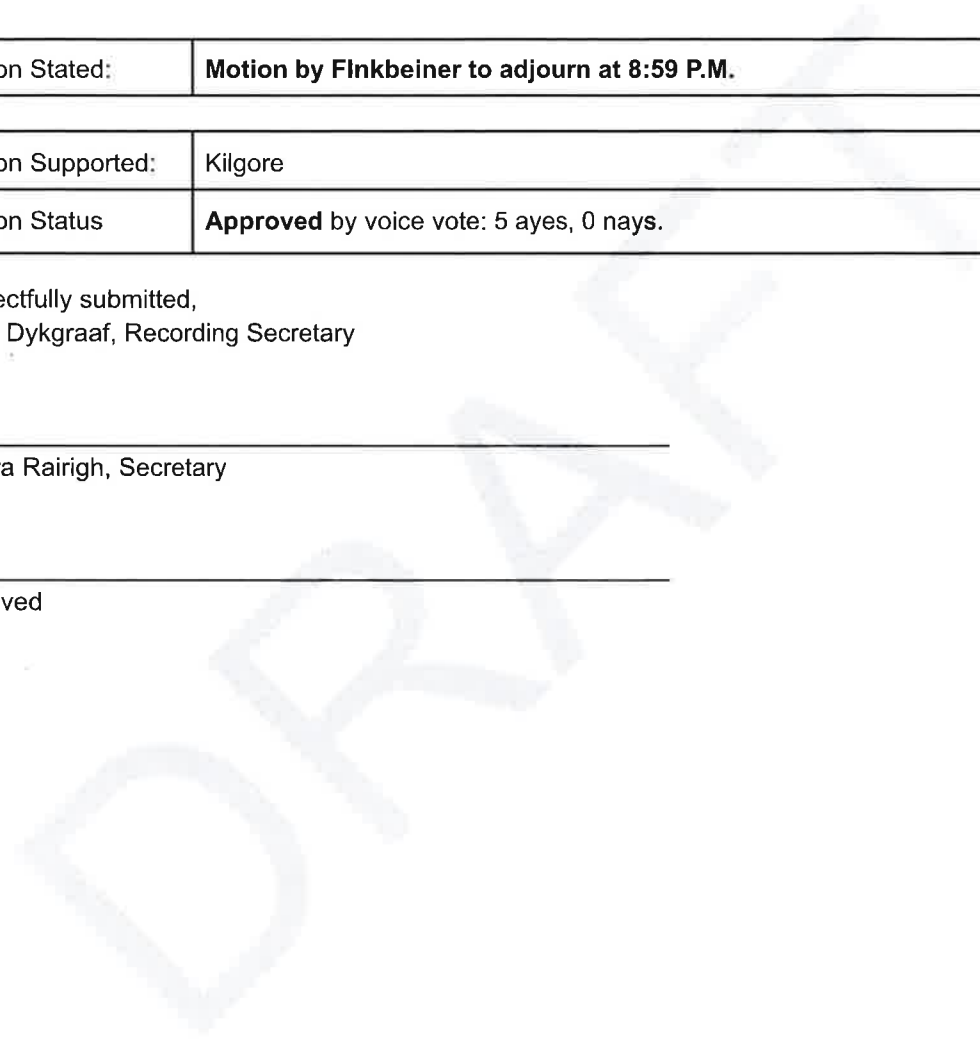
Motion Supported:	Kilgore
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Motion Status	Approved by voice vote: 5 ayes, 0 nays.
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Respectfully submitted,
Diane Dykgraaf, Recording Secretary

Sandra Rairigh, Secretary

Approved



TO: PLANNING COMMISSION

FROM: PHIL GENSTERBLUM

RE: CORNERSTONE ESTATES

A while back the Site Plan Committee met with Rich and Tim from Cornerstone Development out at the proposed site of Cornerstone Estates. We drove back into and walked around the 22+ acres they wish to develop. I feel walking this and listening to their vision for this property allowed us to get a great understanding of their intentions. Many of the sites will be wooded and secluded with ample room for accessory buildings, pools, etc. Lots are ranging in size from around $\frac{3}{4}$ of an acre up to just over 2 acres. The Rural Residential zoning requires $1\frac{1}{2}$ acre lots with 175' frontage. While only 2 lots meet the required lot size, the remaining are all over 1 acre with the exception of 2 lots, which are .75 and .98 acres respectively. Rezoning this to Residential Estates would work very well for this design. The minimum lot size in RE is 20,000 sq ft. Lot 2 is 32,700 sq ft and lot 4 is 41,500 sq ft, both well above this minimum. The remaining lots are between 1 acre and approx. 2.5 acres. All meet the minimum of 100' frontage required for RE. There should be no worry of meeting the required setbacks as all the lots are well over the minimum size requirement.

The proposed homes are what I would consider higher end homes, the proposed listing price for these homes will be in \$700,000-\$800,000 price range. Rich feels that based on their research of Thornapple Township, these homes will be desirable by both current residents wanting to upgrade and people wishing to become residents of our township.

Cornerstone has submitted all the required applications; 1) Request to Rezone, 2) Private Road, 3) Special Land Use, 4) Site Plan Review and 5) Request for Variance. The variance request will be necessary following rezoning to RE district as requirements include being part of the JPA and requiring public sewer. This parcel is not contiguous to the Village and it would be too costly to have public utilities run to the property. Once the Planning Commission recommends the rezoning request to the Township Board, it will go to them for approval at their next meeting, currently scheduled for May 11, 2026.

Cornerstone has already been through the permitting process with the Barry Eaton Health District and has been approved for all 15 lots to have their own utilities.

As we all know, the Barry County Road Commission is not adding any additional public roads, anything new will have to be private roads. Todd Boerman has reviewed the



PETITION TO REZONE LAND

Thornapple Township, 200 E. Main St., Middleville, MI 49333
Phone: 269-795-7202 Fax: 269-795-8812
Email: zoning-administrator@thornapple-twp.org

PROPERTY INFORMATION

Property Address: 6180 Whitneyville Road, Middleville 49333
Parcel ID Number: 14-011-031-00 Current Zoning District RR Wetlands Present? No
Parcel Size Frontage: Depth: feet Area: 22.3 Ac [Acres or square feet]
Master Plan Future Land Use Map Designation for Parcel: Residential
Current Use of Property [Describe] Vacant Residential
Proposed Zoning District "RE" - Residential Estates Zoning District
Proposed Use of property [Describe] Residential Site Condominium
Will special land use approval be required for proposed land use? Yes No Don't Know

Provide a land survey and/or legal description of the subject property on a page attached to this petition

APPLICANT INFORMATION

1. Applicant

Identify the person or entity making this petition:

Name: Cornerstone Construction & Builders, Inc. Cell Phone 269-209-1940
Mailing Address: 10328 M-89 Telephone 269-629-5702
City Richland State MI Zip 49083 FAX 269-629-5797
E-Mail rich_cornerstone@sbcglobal.net

2. Applicant Interest

The applicant must have a legal interest in the subject property, please check one below:

Property Owner Purchase by Land Contract Option to Purchase Purchase Agreement Lessee over 1 year

3. Property Owner(s) Check here if applicant is also property owner

Identify person(s) or entity(s) that owns the subject property (attach additional owner information if necessary)

Name: Cornerstone Construction & Builders, Inc. Cell Phone 269-209-1940
Mailing Address: 10328 M-89 Telephone 269-629-5702
City Richland State MI Zip 49083 Fax 269-629-5797
E-Mail rich_cornerstone@sbcglobal.net

4. Authorized Agent

Identify person or entity representing the property owner or applicant in this petition:

Name: Jeffrey D. Swenarton - Kreis, Enderle, Hudgins & Borsos, P.C. Cell Phone 269-370-0908
Mailing Address: 750 Trade Centre Way, Suite 250 Telephone 269-324-3000
City Portage State MI Zip 49002 Fax 269-324-3010
E-Mail jswenarton@kreisenderle.com

PETITION TO REZONE LAND - Continued

REQUIRED PETITION – WRITTEN ATTACHMENTS

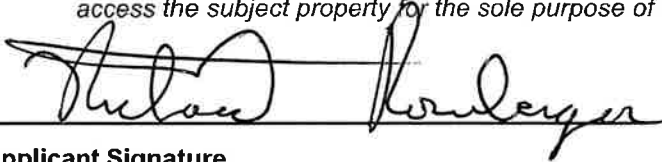
- ✓ Provide narrative to explain need for the change in zoning district
- ✓ Describe intended land use[s] if zoning district change is approved

REQUEST & AFFIDAVIT

The applicant must read the following statement carefully and sign below:

The undersigned requests Thornapple Township review this petition and companion documents as provided in the zoning ordinance now in effect. The applicant further affirms and acknowledges the following:

- ✓ *That the applicant has a legal interest in the property described in this petition, and*
- ✓ *The answers and statements contained in this petition and attachment are in all respects true and correct to the best of my knowledge, and*
- ✓ *The approval of this petition does not relieve the undersigned from compliance with all other provisions of the Zoning Ordinance or other applicable codes and ordinances and does not constitute granting of a variance, and*
- ✓ *The undersigned hereby grants Thornapple Township staff and Planning Commission members the right to access the subject property for the sole purpose of evaluating this petition.*



3/30/26
Date

Applicant Signature

Applicant Signature

Date

If the petitioner is not the property owner, the property owner must sign below:

Property Owner Signature

Date

Property Owner Signature

Date

OFFICE USE ONLY:

Fee \$ _____ Fee Paid by Cash Check Receipt # _____ Received by: _____

Each Petitioner should review the information that follows to understand what the Thornapple Township Planning Commission must consider during review of this Petition. Does the Petition meet the following standards?:

PETITION TO REZONE LAND - Continued

1. MASTER PLAN / ZONING ORDINANCE

Explain how the proposed zoning district is consistent with the purpose and objectives of the adopted Master Plan, including Future Land Use Map.

Single family homes are consistent with the purpose and objectives of the Master Plan promoting single family homes.

2. NEIGHBORHOOD

Will permitted or special land uses in the proposed zoning district be compatible with the established land uses in the vicinity of the subject parcel?

The proposed single family homes will be new with high SEV's complimenting the existing housing stock in the community.

3. ENVIRONMENT

Explain how physical, hydrological and other environmental features of the property to be rezoned are compatible with the full range of uses in the proposed zoning district.

This residential site project is consistent with all physical, hydrological and environmental features of the surrounding properties.

4. PUBLIC FACILITIES AND SERVICES

Describe how adequate public facilities already exist or will be provided at no additional public cost and will safeguard the health, safety, morals and general welfare of the public [e.g. wastewater treatment, domestic and fire flow water supply, roads, drainage, etc.]

All facilities within the project are private and will not impact public facilities. The project is comprised of single family homes which are similar to those in the surrounding areas. The health, safety, morals, and general welfare of the community will not be impacted by this project which will only serve to improve the Township.

PETITION TO REZONE LAND - Continued

4. PUBLIC FACILITIES AND SERVICES - *Continued from p.3*

Describe how adequate public services already exist or will be provided at no additional public cost and will safeguard the health, safety, morals and general welfare of the public [e.g. fire protection, police protection, refuse disposal, public schools, etc.]

5. OTHER

Explain any other matter in support of this Petition to Rezone Land or why the current zoning district classification of the subject property was improperly zoned when the zoning was last adopted or amended.

ARTICLE XXIX

ZONING ORDINANCE AMENDMENT AND PROCEDURE

Section 29.1 Initiating a Zoning Ordinance Amendment

Amendments to this Ordinance may be initiated by the Township Board, Planning Commission or by a real property owner or party with an interest in real property, as provided by Sections 29.2 and 29.3 herein.

Section 29.2 Amendment to the Official Zoning Districts Map

An owner of real property or party with an interest in real property may initiate an amendment to the Official Zoning Districts Map. The applicant shall provide the following information to initiate an amendment:

- (A) A completed Petition to Rezone form as provided by the Zoning Administrator.
- (B) A legal description of the real property on which a change of zoning district classification is sought.
- (C) Documentation disclosing the applicant's interest in the real property.
- (D) A statement describing the reason(s) for the proposed change in zoning district classification and any other relevant information the applicant wishes to provide.
- (E) Any applicant may volunteer to include proposed use and development conditions to a Petition to Rezone real property as provided in Section 405(1)-(5) of the Michigan Zoning Enabling Act [110 PA of 2006, as amended] [MCL 125.3405(1)-(5)].

Section 29.3 Amendment to Text of the Zoning Ordinance

The Planning Commission or Township Board may initiate amendments to the text of this Ordinance. A draft of the text amendment shall be presented to the Planning Commission for consideration.

Section 29.4 Procedure for Consideration of All Zoning Ordinance Amendments

The following procedure shall be used for consideration of an amendment to this Ordinance:

The Planning Commission shall determine the date, time and place for a public hearing on a proposed amendment in this Ordinance; provided, however, that the Planning Commission, after consideration at a public meeting, may determine not to convene a public hearing on an amendment to text of this Ordinance, and thereby not consider further a proposed amendment in the text.

With respect to an amendment in which the Planning Commission determines to convene a public hearing, the Zoning Administrator shall arrange for publication and delivery of notice of the public hearing in accordance with Section 28.12 of this Ordinance.

The Planning Commission shall hold the public hearing. The Commission shall receive such public comment and review such reports and other materials as it deems appropriate in the circumstance.

If the Commission desires to make material changes in the text of the proposed amendment, it shall first establish a date, time and place for a second public hearing on the amendment as it is proposed to be changed.

After concluding a recommendation, the Planning Commission shall forward its decision and the proposed amendment to the Township Board with a recommendation for approval or denial.

Upon receipt of a Zoning Ordinance Amendment recommendation from the Planning Commission, the Township Board shall consider the proposed amendment at a meeting determined by the Township Board. If, after considering the proposed amendment, the Township Board desires to propose any changes therein or departures therefrom, the Township Board shall first refer the same to the Planning Commission for a report thereon within a time specified by the Township Board.

The Township Board shall grant a hearing on any proposed rezoning amendment to any property owner who submits to the Township a written request for such hearing by certified mail addressed to the Township Clerk, and in that event, the Township Board shall request the Planning Commission to attend the public hearing.

The Township Board may adopt the amendment at any regular meeting or at a special meeting. In the case of an amendment that has first been referred by the Township Board to the Planning Commission and then returned by the Commission with its report thereon, the Township Board may adopt the amendment with or without any recommended amendments or provisions that were considered or proposed by the Planning Commission.

Each amendment adopted by the Township Board will become effective 7 days following publication of a notice of ordinance adoption in a newspaper of general circulation within the Township. A copy of each adopted amendment to this Ordinance shall be placed on file with the Township Clerk.

Sections 29.5 – 29.99 [Reserved]



APPLICATION FOR APPROVAL OF SPECIAL USE

Thornapple Township, 200 E. Main St., Middleville, MI 49333
Phone: 269-795-7202 Fax: 269-795-8812
Email: zoning-administrator@thornapple-twp.org

Case # SU- 182
Hearing Date 4/27/2026

PROPERTY INFORMATION

Property Address: 6180 Whitneyville Road, Middleville 49333
Parcel ID Number: 14-011-031-00 Zoning District RR Wetlands Present? No
Parcel Size Frontage: _____ feet Depth: _____ feet Area: 22.2 Ac [Acres or square feet]
Master Plan Future Land Use Map Designation for Parcel: Residential
Current Use of Property [Describe] vacant
Describe Proposed Special Land Use: Section 6.3 (l) permits a site condominium that is not a common open space residential development in the "RE" - Residential Estates Zoning District. However, the project contains general common elements that will remain undeveloped.

Section of Zoning Ordinance Allowing Special Land Use: Section 6.3 "RE" - Residential Estates Zoning District

Provide a land survey and/or legal description of the subject property on a page attached to this petition

APPLICANT INFORMATION

1. Applicant

Identify the person or entity making this petition:

Name: Cornerstone Construction & Builders, Inc. Cell Phone 269-209-1940
Mailing Address: 10328 M-89 Telephone 269-629-5702
City Richland State MI Zip 49083 FAX 269-629-5797
E-Mail rich_cornerstone@sbcglobal.net

2. Applicant Interest

The applicant must have a legal interest in the subject property, please check one below:

Property Owner Purchase by Land Contract Option to Purchase Purchase Agreement Lessee over 1 year

3. Property Owner Check here if applicant is also property owner

Identify person or entity that owns the subject property:

Name: Cornerstone Construction & Builders, Inc. Cell Phone 269-209-1940
Mailing Address: 10328 M-89 Telephone 269-629-5702
City Richland State MI Zip 49083 Fax 269-629-5797
E-Mail rich_cornerstone@sbcglobal.net

Application of Special Use – Continued

4. Authorized Agent

Identify person or entity representing the property owner or applicant in this petition:

Name: Jeffrey D. Swenarton - Kreis, Enderle, Hudgins & Borsos, P.C. Cell Phone 269-370-0908
Mailing Address: 750 Trade Centre Way, Suite 250 Telephone 269-324-3000
City Portage State MI Zip 49002 Fax 269-324-3010
E-Mail jswenarton@kreisenderle.com

REQUIRED PETITION – WRITTEN ATTACHMENTS

- Provide narrative to explain need for the proposed Special Land Use
Provide narrative addressing Section 19.3(1)-(10) criteria.
Site Plan, if required

REQUEST & AFFIDAVIT

The applicant must read the following statement carefully and sign below:

The undersigned requests Thornapple Township review this petition and companion documents as provided in the zoning ordinance now in effect. The applicant further affirms and acknowledges the following:

- That the petitioner has a legal interest in the property described in this petition, and
The answers and statements contained in this petition and attachment are in all respects true and correct to the best of my knowledge, and
The petitioner offers the conditions set forth herein on its own volition and completely voluntary.
The approval of this petition does not relieve the undersigned from compliance with all other provisions of the Zoning Ordinance or other applicable codes and ordinances and does not constitute granting of a variance, and
The undersigned hereby grants Thornapple Township staff and Planning Commission member the right to access the subject property for the sole purpose of evaluating this petition.

Applicant Signature (with handwritten signature)

Date 3/30/26

Applicant Signature

Date

If the petitioner is not the property owner, the property owner must sign below:

Property Owner Signature

Date

OFFICE USE ONLY:

Fee \$ Fee Paid by [] Cash [] Check Receipt # Received by:

Exhibit A

Special Land Use Narrative

Factors for Approval of a Special Land Use (19.3 1-10):

1. The special land use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property.
 - The proposed site condominium will have single family homes that are similar to the homes located on the surrounding property.
2. The special land use shall not impair the essential character of the surrounding area.
 - A single family neighborhood will not impair the essential character of the surrounding area, which is residential in nature.
3. The special land use shall not create serious nuisance nor be hazardous to the adjacent property or involve uses, activities, materials, or equipment which will be detrimental to the public health, safety and general welfare.
 - The construction of a single family site condominium will not be a nuisance to adjacent property owners.
4. The special land use shall not have a substantial adverse effect on storm water drainage; street capacity and volume of traffic; traffic safety and vehicle circulation; sanitary sewage disposal and water supply; or other adverse effects.
 - All of the listed items will be self-contained within the neighborhood. All sites will be served by onsite well and septic, which has already been approved by the county health department. The project will have little or no effect on any public facilities.
5. The special land use shall not have a substantial adverse effect on the need and extent of law enforcement and fire protection services, or other public safety and emergency services.
 - An additional 15 homes will not have a substantial adverse effect on public safety.
6. The special land use shall not have a substantial negative impact on the natural resources and natural features.
 - The property will support and is well-suited for single family homes.
7. Vehicular and pedestrian traffic circulation shall be designed to minimize conflicts on

public streets and upon the property thereof. Safe and convenient off-street parking areas, appropriate to the special land use shall be provided.

- A single approved private road, which has been approved by the road commission, will serve the condominium.
8. The period of day and times of the year during which a special land use activity commences or continues shall be reasonably related to both the use and the neighborhood or area in which it is proposed.
- Not applicable.
9. The special land use shall not place demands on public services and facilities in excess of current capacities.
- 15 new homes will have little or no effect on public services and facilities.
10. The special land use is in general agreement with the Township's Master Plan.
- The Township Master Plan contemplates single family residential development in this area of the Township.

Section 19.62 Site Condominium Subdivision

Each site condominium subdivision intended for development under terms of 59 PA 1978 [MCL 559.101 et seq.], as amended, shall conform to the following standards:

- (a) Conformance with requirements of Section 21.30 of this Ordinance.
- (b) Prior to a formal application for special land use and project approval, the proprietor/developer shall present a sketch plan concept to the Planning Commission for a pre-application review by the Commission. Comments and recommendations offered by the Commission relating to the project concept shall be considered when preparing preliminary project plans.

Section 21.30 Plat and Site Condominium Subdivision Regulations

For any parcel of land on which a plat under 288 PA 1967, as amended and 591 PA 1996, [MCL 560.101 et seq] as amended, or a site condominium subdivision under 59 PA 1978, [MCL 559.101 et seq] as amended, the following requirements shall apply:

(a) Procedure – Preliminary

1. Completed application form.
2. A project location map, plan scale, north arrow and seal of the professional engineer.
3. Proposed internal street layout, cross-section and vertical alignment.
4. Lot or unit layout and dimensions in the form of a preliminary plat or site condominium plan.
5. Existing and proposed site grades.
6. Proposed drainage facilities.
7. Street and project signage.
8. Surface water features, wetland areas and woodland shall be depicted.
9. Draft deed restrictions or master deed.

A preliminary Plat or Site Condominium plan shall be filed with the Zoning Administrator for review by the Planning Commission. The preliminary application for Plat or Site Condominium plan approval shall include:

The Planning Commission shall hold a duly noticed public hearing on the preliminary plat or site condominium. The Planning Commission will not take action on the plan until the public hearing minutes are reviewed and approved.

The Planning Commission may deny the plan with reasons stated, approve the plan or approve the plan with conditions.

(b) Plat or Site Condominium Subdivisions Design Standards

The following design standards shall apply to all Plat or Site Condominium developments:

(1) Private streets or roads are not permitted. All interior streets or roads shall be designed and constructed to meet standards of the Barry County Road Commission or other public agency with jurisdiction. Construction inspection of all internal streets or roads shall conform to requirements of the public agency with jurisdiction and shall be dedicated as public streets or roads.

(2) Storm drainage shall outlet to an established Barry County drain or on-site storm water retention shall be required. The storm water management design shall conform to best management practices and standards contained in Article XXII, Section 22.2.

(3) For sites not served by public sanitary sewer, all proposed lots or units shall be evaluated by the Barry-Eaton District Health Department [BEDHD] as approved for on-site wastewater disposal. The Planning Commission shall not give approval to the preliminary plan until all lots or parcels have been approved by the B.E.D.H.D.

(4) Street lighting shall be required at each internal intersection.

(5) All utilities, including electric, gas, telephone, catv, etc. shall be placed underground in dedicated easements.

(6) Natural areas including surface water and wetlands on the site shall be included in common open space areas and shall not be included within any lot or unit, to the extent possible.

(7) Pedestrian facilities in the form of sidewalks shall be directly accessible from each lot or unit. Alternative common area pedestrian facilities may be allowed if approved by the Planning Commission.

(8) Other design standards as applicable within this Ordinance.

(c) Procedure – Final

Final plat or site condominium approval shall be filed with the Zoning Administrator for review by the Planning Commission

All required site improvements shall be completed at the time of Planning Commission review of the final Plat or Condominium Master Deed and plan.

The final plan shall be filed in recordable form.

The Planning Commission shall review the final plat or site condominium plan to verify all required improvements have been completed in accordance with the approved preliminary plan. If completed, the Planning Commission shall recommend to the Township Board final plat or site condominium plan approval.

The Township Board may deny with reasons stated, approve, or approve with conditions, the final plat or site condominium plan and Master Deed.

(d) Performance Guarantee

In lieu of completing all required site improvements, the proprietor may file a performance guaranty based on provisions of Section 20.9 of this Ordinance.



APPLICATION FOR SITE PLAN REVIEW ARTICLE XX

Thornapple Township, 200 E. Main St., Middleville, MI 49333
Phone: 269-795-7202 Fax: 269-795-8812
Email: zoning-administrator@thornapple-twp.org

PROPERTY INFORMATION

Property Address: 6180 Whitneyville Road, Middleville 49333
Parcel ID Number: 14-011-031-00 Zoning District RR Wetlands Present? No
Parcel Size Frontage: feet Depth feet Area: 22.3 [Acres or square feet]
Master Plan Future Land Use Map Designation for Parcel: Residential
Current Use of Property [describe]: Vacant
Proposed Use (describe): Residential Site Condominium consisting of 15 Residential units.
(See attached **Exhibit A**)

APPLICANT INFORMATION

1. Applicant

Identify the person or organization requesting the Special Land Use:

Name: Cornerstone Construction & Builders, Inc. Cell Phone 269-209-1940
Organization Cornerstone Construction & Builders, Inc. Telephone 269-629-5702
Mailing Address: 10328 M-89 FAX 269-629-5797
City Richland State MI Zip 49083 E-Mail rich_cornerstone@sbcglobal.net

2. Applicant Interest

The applicant must have a legal interest in the subject property, please check one below:

- Property Owner Purchase by Land Contract Option to Purchase
 Purchase Agreement Lessee over 1 year

3. Property Owner

Check here if applicant is also property owner

Identify person or organization that owns the subject property:

Name: Cornerstone Construction & Builders, Inc. Cell Phone 269-209-1940
Organization Cornerstone Construction & Builders, Inc. Telephone 269-629-5702
Mailing Address: 10328 M-89 FAX 269-629-5797
City Richland State MI Zip 49083 E-Mail rich_cornerstone@sbcglobal.net

Application for Site Plan Review – Continued

4. Authorized Agent

Identify person or entity representing the property owner or applicant in this petition:

Name:	<u>Jeffrey D. Swenarton</u>	Cell Phone	<u>269-370-0908</u>
Organization	<u>Kreis, Enderle, Hudgins & Borsos, P.C.</u>	Telephone	<u>269-324-3000</u>
Mailing Address:	<u>750 Trade Centre Way, Suite 250</u>	FAX	<u>269-324-3010</u>
City	<u>Portage</u> State <u>MI</u> Zip <u>49002</u>	E-Mail	<u>jswenarton@kreisenderle.com</u>

REQUIRED APPLICATION ATTACHMENTS (see Sec. 20.4(a) & 20.4(b))

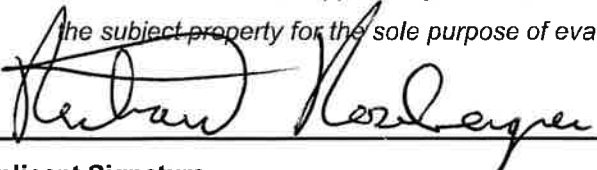
- o **Description of Project** (Use applicant’s letterhead if possible)
Written description of the proposed site and/or building layout, building and structure design information, floor plans, parking calculations, current environmental conditions, and other pertinent information.
- o **Site Plans, Building Elevations, and Floor Plans**
Enclose 14 copies of site plans, building elevations and floor plans as required on the Site Plan Review Checklist.

REQUEST & AFFIDAVIT

The applicant must read the following statement carefully and sign below:

The undersigned requests Thornapple Township review this application, related required documents and site plans as provided in Article 20 of the Thornapple Township Zoning Ordinance. The applicant further affirms and acknowledges the following:

- o That the applicant has a legal interest in the property described in this application, and
- o The answers and statements contained in this application and attachment are in all respects true and correct to the best of my knowledge, and
- o That the approval of this application does not relieve the undersigned from compliance with all other provisions of the Zoning Ordinance or other codes or statutes and does not constitute granting of a variance, and
- o That the applicant will comply with any and all conditions imposed in granting an approval of this application, and
- o If also the owner, the applicant grants the Township staff and Planning Commission members the right to access the subject property for the sole purpose of evaluating the application.



 Applicant Signature

3/30/26

 Date

 Applicant Signature

 Date

Application for Site Plan Review – Continued

If the applicant is not the property owner, the property owner must sign below:

The undersigned affirms and acknowledges that he, she or they are the owner(s) of the property described in this application, and:

- o I am / we are aware of the contents of this application and related enclosures.
- o Authorizes the applicant to submit this application and represent the undersigned in the matter being reviewed by Thornapple Township.
- o Grants the Township staff and the Planning Commission members the right to access the subject property for the sole purpose of evaluating the application.

Property Owner Signature

Date

Property Owner Signature

Date

OFFICE USE ONLY:

Assigned Site Plan # _____

Fee \$ _____ **Fee Paid by** **Cash** **Check** **Receipt #** _____

Application Received by: _____

Exhibit A

Site Plan Approval

If rezoning of the property is approved, then the project will be a traditional residential site condominium neighborhood in the "RE" – Residential Estates zoning district. There will be 15 residential units in the project. The road commission and health departments have approved the private road and the well and septic system, respectively. The road commission no longer permits public roadways in residential neighborhoods. All stormwater runoff from the road will be retained on site within the ditched roadway cross section. Applicant will submit all plans for the project as part of this site plan application.

ARTICLE XX

SITE PLAN REVIEW

Section 20.1 Description and Purpose

- (a) The purpose of this chapter is to provide standards and procedures under which applicants submit, and the Planning Commission would review, site development plans for land uses within the Township. Such review of site plans will help to assure compliance with the terms of this Ordinance and implementation of the goals and policies of the Thornapple Township 2007-2020 Master Plan.
- (b) This article provides standards by which the Planning Commission will consider the approval of site plans, including effect on existing land uses; vehicle traffic patterns; impact on natural features and natural resources; storm water drainage; access from public and private streets; placement of buildings and off-street parking areas; adequate water supply and wastewater disposal; the providing of open space; and a variety of other aspects of land development, including signs, exterior lighting, alteration of grades, fire protection and other relevant topics.

Section 20.2 Land Uses Requiring Site Plan Review

Site plan review by the Planning Commission shall be required for the following land uses and in the following circumstances:

- (a) Any use of land or building requiring more than four parking spaces in any Agricultural or Residential Zoning District.
- (b) New land use, building or building addition in any Office, Commercial or Industrial Zoning District.
- (c) Special Land uses.
- (d) Site condominiums, subdivisions, and other forms of condominium development.
- (e) Planned Unit Development and Non-contiguous Planned Unit Development.
- (f) Common Open Space Residential Developments [O.S.R.D.].
- (g) A change in land use, in whole or in part, where the new, revised or augmented land use is subject to site plan review under the terms of this chapter whether or not site plan approval was given for any part of the existing land use including, but not limited to, the following:
 - (1) A change in the existing land use that is more than a minor change (and that does not qualify as a minor change under Section 20.10(c)) in or with respect to any of the following:
 - (i) The principal building(s) or other principal structure(s).
 - (ii) The means or location of vehicle access to the land.
 - (iii) An increase or decrease in the area of the land.
 - (iv) The addition of a building or structure.

- (v) The addition of one or more land uses, including the addition of an additional business or commercial use.
- (vi) A change in the principal building or principal structure, including a change in area, height, façade or other significant aspect thereof.
- (vii) An increase or reduction in the size or configuration of off-street parking area.
- (viii) An addition to or reduction in outdoor lighting fixtures or addition of outdoor mechanical equipment.
- (ix) Any other change in the existing land use that does not qualify as a minor change under the terms of Section 20.10(c) of this Ordinance.

Section 20.3 Land Uses Exempt From Site Plan Review

The following land uses are exempt from site plan review:

- (a) Single family dwellings.
- (b) Farms, farm buildings and farm structures.
- (c) Permitted residential accessory buildings, except those for which special land use approval is required.

Section 20.4 Application for Site Plan Review

An application for site plan review shall be submitted to the Zoning Administrator, together with a site plan complying with the requirements of this section and other applicable provisions of this Ordinance.

(a) **Contents of Application.** The application for site plan review shall include at least the following information:

- (1) The applicant's name, business address and telephone number.
- (2) The name and address of the owner(s) of record if the applicant is not the owner of record and the signature of the owner(s)
- (3) The address and property tax identification number of the property.
- (4) The name and address of the engineer, architect and/or land surveyor.
- (5) A location sketch drawn at a scale of 1" = 100' with North arrow.
- (6) A completion time schedule of proposed construction; proposed phases of development.
- (7) A written statement describing impacts on existing infrastructure (including traffic capacity of streets, schools, and existing utilities) and on the natural environment of the site and adjoining lands.
- (8) The property owner's signed consent for the Township representatives to enter and inspect the property for site plan review purposes.

- (b) **Contents of Site Plan.** The site plan shall consist of a scaled drawing showing the site and all land within 300 feet of the site. Each site plan shall state or depict the following:
- (1) The legal description of the property.
 - (2) The area (in acres) of the property shall be stated (1) as the total acreage of the entire property; and (2) the area within the property that is proposed to be developed and, secondly, the area or areas of the property that are proposed to remain undeveloped. Such undeveloped areas shall include all areas which, under the terms of this Ordinance, are not permitted to be developed, whether by reason of water bodies or wetlands, areas of steep slopes, street rights-of-way, private easements or otherwise.
 - (3) Existing and proposed property lines, dimensions thereof, and building setback lines.
 - (4) The location and dimensions of existing and proposed buildings and structures.
 - (5) Proposed uses of buildings and other structures.
 - (6) Existing and proposed topographic contours at 2 foot intervals.
 - (7) Location and type of existing soils and locations of soil borings.
 - (8) Significant existing vegetation and other significant natural features.
 - (9) Existing and proposed watercourses and water bodies.
 - (10) Existing public and private streets, and street rights-of-way; existing access easements.
 - (11) Proposed streets and drives; curb cuts and access easements; acceleration, deceleration and passing lanes and sidewalks.
 - (12) Existing uses, buildings, structures, driveways and off-street parking areas within 300 feet of the subject property; boundaries and zoning of abutting lands.
 - (13) Proposed off-street parking areas and off-street loading and unloading areas.
 - (14) Existing and proposed water supply and sanitary sewage disposal facilities, including proposed septic systems and drain fields, and proposed public or community sanitary sewer and/or water supply systems and the components thereof.
 - (15) Proposed storm water management systems, including storm sewers, retention and/or detention ponds, storm water discharge areas and other storm water management measures.
 - (16) Public utilities on and for the site, including natural gas, electric, cable television and telephone.
 - (17) Buildings and other facilities for public or community use.
 - (18) Proposed landscaping including proposed size of new trees and other plantings and description and location of existing landscaping to be retained shall be indicated.
 - (19) Signs, including location, size, height and drawings thereof.

- (20) Outdoor lighting, including location, type and height of fixtures, area of illumination and shielding measures used.
 - (21) Fences, walls and other screening features.
 - (22) Refuse and service areas, including screening measures for trash receptacles.
 - (23) Open space and recreation areas.
 - (24) Identification of any significant scenic views into or from the site and to or from adjoining lands.
 - (25) Delineation of the 100-year floodplain and any proposed uses therein.
 - (26) Delineation of regulated wetlands, if any.
 - (27) Typical elevation views of the front, side and rear of each building.
 - (28) Preliminary architectural sketch of buildings and structures and/or a written description of type of construction and exterior materials to be used in proposed buildings and structures.
 - (29) Seal of the registered engineer, architect, or land surveyor who prepared the site plan.
 - (30) Deed restrictions, master deed restrictions, condominium by-laws and private road maintenance agreement, as applicable.
 - (31) Additional information which the Planning Commission may request and which is reasonably necessary to evaluate the site plan.
- (c) The Planning Commission, in its discretion, may waive any element, component or other matters otherwise required to be included in a site plan or a site plan application, if such matters are not deemed necessary for the Planning Commission's review and consideration of the land use or development that is the subject of the site plan. In its approval or other action with respect to the site plan, the Planning Commission shall state the required parts of the site plan which it determines can be waived.
- (d) An environmental impact study may be required at the discretion of the Planning Commission.
- (e) Access drive location approval from the road agency with jurisdiction.
- (f) A site plan need not include such detail with respect to buildings, structures, utility and storm water systems and other features as would require preparation of detailed construction drawings or other highly detailed submissions, such as would normally be required for issuance of building permits; provided, however, that in its discretion, the Planning Commission may require more detailed submissions with respect to particular buildings, structures or other features if such more detailed information is reasonably necessary for a sufficient review of the proposed land use.

Section 20.5 Procedure for Consideration and Review of Site Plans

The procedure for considering site plans shall be as follows:

- (a) One Copy of a completed application form and 14 copies of a proposed site plan shall be submitted to the Zoning Administrator. One copy of the application form and the proposed site plan shall be submitted to the Fire Chief and also to the Engineer. The required application fee shall be paid, and the required zoning escrow deposit shall be made, at the time of submission of the application and site plan.
- (b) The application and site plan shall be reviewed by the Zoning Administrator to determine whether the plan sufficiently complies with Section 20.4(b) and thus whether it is ready for consideration by the Planning Commission.
- (c) After review of the site plan and application by the Zoning Administrator and determination that the submitted materials are complete, the site plan and application shall be forwarded to the Site Plan Review Committee of the Planning Commission. The Committee shall meet with the applicant and Zoning Administrator for a complete review of plan content. The Committee may ask for changes to the site plan.
- (d) Upon complete review of a site plan and application, the Site Plan Review Committee shall forward the application materials to the Planning Commission. The Zoning Administrator shall prepare a written recommendation on behalf of the Committee to the Planning Commission.
- (e) Each site plan shall be considered by the Planning Commission at a public meeting.
- (f) The Planning Commission may accept the Committee recommendation and approve the site plan, with or without conditions, disapprove the site plan for stated reasons or postpone further consideration for reasons stated.
- (g) The decision of the Planning Commission may be made by standard motion, second and majority vote of members present. The motion shall include all conditions. Meeting minutes shall include expressed conditions of site plan approval, if any or the reasons for site plan denial.
- (h) If conditional approval is granted by the Planning Commission and if the conditions require a change to the site plan, the site plan shall be revised and 3 copies filed with the Zoning Administrator. The Zoning Administrator shall review the revised site plan to confirm compliance with conditions set by the Planning Commission. If in compliance, the Zoning Administrator will confirm compliance in writing. If not in compliance, the Zoning Administrator shall, in writing, order further revisions to bring the plan into compliance. The final site plan in conformance shall be signed and dated by the Zoning Administrator and a signed copy sent to the applicant. Work on site improvements shall not occur unless and until the Zoning Administrator has confirmed compliance.
- (i) All subsequent actions relating to the land use and development shall be consistent with the approved site plan unless subsequent changes therein

are approved by the Planning Commission, or in the case of minor changes under Section 20.10(c), by the Zoning Administrator. Any construction, land use or other activity carried out contrary to or not in conformity with an approved site plan shall be a violation of this Ordinance. Building permits and all other required permits shall be issued only in accordance with the approved site plan.

- (j) In the event of construction work or other activity that does not comply with an approved site plan, the Zoning Administrator shall issue a stop work order, whereupon all work in violation of or inconsistent with the approved site plan shall cease, or all work specified in the stop work order shall cease, until the order is withdrawn or cancelled. A violation of a stop work order is a violation of this Ordinance.

Section 20.6 Standards for Review of Site Plans

The Planning Commission shall approve a site plan if it determines that the plan complies with the requirements of this Ordinance; is consistent with the intent and purposes of this Ordinance; will be compatible with adjacent lands uses, the natural environment and the current capacities of public services and facilities; and will be consistent with the public health, safety and welfare. In addition, the site plan shall comply with the following minimum requirements:

- (a) **Basic elements of the site.** All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and nature of the land parcel, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance. The site plan shall comply in all respects with applicable provisions of this Ordinance, including, but not limited to, the minimum provisions of the zoning district and any applicable overlay district and all generally-applicable provisions of the zoning ordinance.
- (b) **Buildings and Structures.** Building and structures shall be located and arranged in compliance with zone district requirements and other applicable provisions of this Ordinance.
- (c) **Traffic Circulation.** The number, location and size of access and entry points, and internal traffic and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site and circulation within the site.
 - (1) In reviewing traffic circulation features, the Planning Commission shall consider spacing and alignment with existing and probable future access points on nearby properties, and may require that provision be made for shared access with adjacent properties.
 - (2) Site plans shall fully conform to the driveway and traffic safety standards of the road agency with jurisdiction. Private streets are not allowed unless expressly approved by the Planning Commission.

- (3) In its approval of a site plan, the Planning Commission will require the providing of sidewalks or other measures for pedestrian circulation.
- (d) **Storm Water Drainage.** Storm water detention and drainage systems shall be designed so that the removal of surface waters will not adversely affect the subject property, adjacent or nearby properties or public storm water drainage systems. The plan shall show compliance with best storm water management practices.
- (e) **Landscaping.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal. Grade changes shall be in keeping with the general appearance of adjacent developed areas. The site plan shall comply with the landscaping requirements of Article XXV of this Ordinance.
- (f) **Screening.** Where commercial or industrial uses abut residential uses, or where more intensive residential uses abut less intensive residential uses, appropriate screening consisting of attractively designed fencing or screening, or equivalent landscaping, shall be provided so as to shield residential properties from the effects and view of commercial or industrial uses.
- (g) **Lighting.** Outdoor lighting shall be designed so as to minimize glare on adjacent properties and streets, and shall otherwise be designed, installed and operated in compliance with outdoor lighting requirements of this Ordinance.
- (h) **Exterior Uses.** Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located so as to have no serious adverse effects on adjacent or nearby properties, and shall be screened as required by the Planning Commission.
- (i) **Utilities.** Water supply and sanitary sewage disposal facilities shall comply with all local, county and state requirements.
- (j) **Signs.** Signs shall comply with Article XXIV of this Ordinance and other applicable sign regulations in this Ordinance.
- (k) **Parking and Loading.** Off-street parking and loading facilities shall comply with Article XXIII of this Ordinance and other applicable regulations of this Ordinance. Loading and unloading areas and outside storage areas which face or are visible from residential uses or streets shall be screened by a sufficient fence or by landscaping.
- (l) Site plans shall conform to the requirements of the Barry County requirements for soil erosion and sedimentation.
- (m) In addition to compliance with all applicable requirements of this Ordinance, site plans shall be prepared in full compliance with applicable county and state law requirements. Site plan approval shall be conditioned upon the applicant receiving all applicable local, county and state permits or other approvals, prior to issuance of building permits or within such other deadline or time constraint determined by the Planning Commission in its approval of the site plan.

Section 20.7 Conditions on Approval of Site Plans

The Planning Commission may impose reasonable conditions on the approval of a site plan. Such conditions may include, but need not be limited to conditions necessary to insure compatibility with adjacent land uses; to promote the use of land in a socially and economically desirable manner; to protect the natural environment and conserve natural resources; and to insure that public services and facilities affected by a proposed land use or activity will be capable of handling increased service and facility demands caused by the land use or activity.

Section 20.8 Construction in Accordance with Approved Site Plan Required

Following the approval of a site plan by the Planning Commission, the applicant shall design, construct and install all site plan improvements and other features in full compliance with the plan as approved. Failure to do so shall be a violation of this Ordinance.

Section 20.9 Performance Guarantees

To assure compliance with the terms of this Ordinance and any conditions imposed upon the approval of a site plan, the Planning Commission may require that a cash deposit, irrevocable bank letter of credit or performance bond be submitted as a condition of approval of the site plan. Such deposit or financial guarantee shall be in an amount determined by the Planning Commission.

- (a) The amount of the required performance guarantee may include but shall not be limited to such amount as is determined sufficient to assure the completion of streets, outdoor lighting, utilities, sidewalks, drainage systems, fencing and screening, landscaping and other elements of the proposed construction or development.
- (b) A bank letter of credit or performance bond shall be conditioned upon timely and faithful compliance with all conditions imposed upon approval of the site plan and in compliance with all zoning ordinance requirements and other applicable ordinances and laws.
- (c) When a performance guarantee is required, the guarantee, whether in the form of cash deposit or other permitted form of guarantee, shall be deposited with the Township Treasurer prior to the issuance of a building permit or other required permits.
- (d) At the discretion of the Zoning Administrator, as phases or elements of the work or development are completed, portions of the cash deposit or the amount covered by a bank letter of credit or performance bond may be released.
- (e) Upon the satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the cash deposit, performance guarantee, or surety shall

be returned to the applicant if it has not been utilized to complete required site improvements.

Section 20.10 Changes in Approved Site Plans

- (a) An approved site plan may not be changed, and development in accordance with a changed site plan may not take place, unless the changes in the site plan have been reviewed and approved by the Planning Commission, except as stated in Section 20.10(c).
- (b) The property owner or other holder of an approved site plan shall submit to the Zoning Administrator an application for approval of any proposed change in the approved site plan. The application shall be accompanied by a site plan, showing the change or changes for which approval is being requested. Any required application fee shall be paid at the time the application and proposed revised site plan are submitted.
- (c) Minor changes in an approved site plan may be approved by the Zoning Administrator upon a determination that the proposed minor change will not alter the basic design of the development or any of the specific terms and conditions imposed as part of the original approval of the site plan. Minor changes eligible for consideration and approval by the Zoning Administrator consist only of the following:
 - (1) Change in building size up to 5 percent in total area.
 - (2) Change in location of buildings or other structures by no more than ten feet.
 - (3) Replacement of plan material specified in the landscape plan, with comparable material.
 - (4) Changes in building materials to a comparable or higher quality.
 - (5) Changes in floor plans which do not alter the character of the use or use of site.
 - (6) Internal rearrangement of a parking area which does not affect the number of parking spaces or alter access locations.
 - (7) Changes required or requested for safety reasons.
 - (8) Changes which will preserve the natural features of the site without changing the basic site layout.
 - (9) Changing to an equally restricted or more restricted use, provided there is no reduction in the amount of off-street parking.
 - (10) Other similar changes of a minor nature which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site, and which the Zoning Administrator determines would not have a significant adverse effect upon the subject lands, or upon adjacent or nearby lands or the public interest.
- (d) Any requested minor change which is submitted to the Zoning Administrator for approval may be referred by the Zoning Administrator to the Planning Commission for decision. In the case of such referral to the Planning Commission, the Planning Commission shall make the decision

- on the requested change, even if the change qualifies under subsection (c), as a minor change.
- (e) If the change requested in an approved site plan is not a minor change under the terms of subsection (c), then such change shall be deemed a major change. In that event, the site plan showing the major change, shall be submitted to the Planning Commission, for its review and consideration, and the procedures with respect thereto shall be the same as those required for original consideration of a site plan.
 - (f) If the approval of any changes in an approved site plan, whether by the Zoning Administrator or by the Planning Commission, terms and conditions may be imposed thereon, and the applicant shall comply with such terms and conditions.
 - (g) Upon the Zoning Administrator's approval of minor changes in an approved site plan, the Planning Commission shall be notified of the changes approved.
 - (h) Upon approval of changes in an approved site plan, the applicant shall promptly submit three copies of the site plan, accurately showing the changes in the plan as approved. The Zoning Administrator shall then mark the original of the site plan as approved, by means of affixing a signature or other authentication and setting forth the date of the authentication.

Section 20.11 Appeals of Decisions on Site Plans

- (a) Any applicant who disagrees with a site plan decision made by the Planning Commission may appeal that decision to the Zoning Board of Appeals. The appeal must be in writing and must be filed with the Zoning Administrator not later than 14 days after Planning Commission approval of meeting minutes at which the decision was made. The written appeal must state specifically what matters are appealed and the factual basis for the appeal of each. An appeal stays the issuance of any permit that otherwise might be issued for the construction buildings or for other purposes within the lands included in the approved site plan.
- (b) Upon receiving the appeal, the Zoning Board of Appeals shall review the record of the action taken by the Planning Commission. The record shall consist of the application, site plan, memoranda, correspondence, minutes and other material in the Township files with the respect to the site plan. No new evidence shall be presented, and the appeal shall be decided solely on the basis of the record developed by the Planning Commission.
- (c) In considering the appeal, the Zoning Board of Appeals shall determine whether the record supports the action taken with respect to the matter being appealed. The Board may uphold the decision being appealed, it may reverse the decision or it may uphold the decision in part and reverse it in part. In making a decision on the appeal, the Board shall prepare and approve written findings in support of its decision. Such

findings shall be included in the minutes of the proceedings, or they may be set forth in a resolution adopted by the Board of Appeals.

- (d) A decision by the Zoning Administrator as to a minor site plan change shall not be appealed. In the event an applicant disagrees with such a decision by the Zoning Administrator, the applicant may then apply to the Planning Commission for approval of the proposed change in the site plan.
- (e) The minor site plan change shall be considered by the Planning Commission at a public meeting. The Planning Commission may accept the administrator's decision, disapprove the Administrator's decision for stated reasons or postpone further consideration for reasons stated.
- (f) The decision of the Planning Commission may be made by standard motion, second and majority vote of members present. The motion shall include all conditions. Meeting minutes shall include expressed conditions of site plan approval, if any or the reasons for site plan denial.
- (g) If conditional approval is granted by the Planning Commission and if the conditions require a change to the site plan, the site plan shall be revised and 3 copies filed with the Zoning Administrator. The Zoning Administrator shall review the revised site plan to confirm compliance and with conditions set by the Planning Commission. If in compliance, the Zoning Administrator will confirm compliance in writing. If not in compliance, the Zoning Administrator shall, in writing, order further revisions to bring the plan into compliance. The final site plan in conformance shall be signed and dated by the Zoning Administrator.

Section 20.12 As-Built Site Plan

- (a) Upon completion of required improvements as shown on the approved site plan, the property owner or other interest holder shall submit to the Zoning Administrator, three copies of an "as-built" site plan, certified by an engineer, surveyor or other professional, prior to the anticipated occupancy of any building within the area comprising the site plan. The as-built plan shall be reviewed by the Zoning Administrator to determine whether the plan is in conformity with the approved site plan.
- (b) The building official with jurisdiction shall not issue an occupancy permit until the official has been advised by the Zoning Administrator that the as-built site plan is fully in conformity with the approved site plan, all applicable provisions of the Township Zoning Ordinance and all applicable provisions of other Township Ordinances, including but not limited to the building code, the storm water ordinance and other applicable ordinances.

Section 20.13 Land Clearing

Prior to site plan approval, no person shall undertake or carry out any grading, clearing, cutting and filling, excavating, tree removal or other use or activity for which site plan approval is required by this Ordinance, or which may be necessary to accommodate the land uses shown, or to be shown, on the site plan. No such activity shall commence prior to issuance of soil erosion and sedimentation control permits, wetland permits, or other applicable permits.

Section 20.14 Approval Effective for One Year

Approval of a site plan under the terms of this chapter shall be effective for a period of one year, but only if the development and construction of the land use covered by the site plan commences within such period of one year and is diligently pursued thereafter. If construction or development of the use permitted by the approved site plan has not commenced during such one-year period, the period of time may be extended by the Planning Commission in its discretion, for up to two additional periods of one year each.

Sections 20.15 – 20.99 [Reserved]

PR-69



PRELIMINARY PRIVATE ROAD PERMIT APPLICATION

Serving 5 or more new parcels (to Planning Commission)

Thornapple Township, 200 E. Main St., Middleville, MI 49333
Phone: 269-795-7202 Fax: 269-795-8812
Email: zoning-administrator@thornapple-twp.org

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY LAND DIVISION APPLICATION

PROPERTY INFORMATION

Property Address: 6180 Whitneyville Road, Middleville 49333
Parcel ID Number: 14-011-031-00 Zoning District (Select One) Agric. Res. Rural Res.
Parcel Size Frontage: _____ Depth: _____ feet Area: 22.3 AC [Acres or square feet] Current Use of Property [describe]: Vacant Proposed Use
[Describe]: Site Condominium

APPLICANT INFORMATION

1. Applicant

Identify the person or organization requesting the Private Road Permit:

Name: Cornerstone Construction & Builders, Inc. Cell Phone 269-209-1940
Organization Cornerstone Construction & Builders, Inc. Telephone 269-629-5702
Mailing Address: 10328 M-89 FAX 269-629-5797
City Richland State MI Zip 49083 E-Mail rich_cornerstone@sbcglobal.net

2. Applicant Interest

The applicant must have a legal interest in the subject property, please check one below:

Property Owner Purchase by Land Contract Option to Purchase
 Purchase Agreement

3. Property Owner

Check here if applicant is also property owner.

Identify person or organization that owns the subject property:

Name: Cornerstone Construction & Builders, Inc. Cell Phone 269-209-1940
Organization Cornerstone Construction & Builders, Inc. Telephone 269-629-5702
Mailing Address: 10328 M-89 FAX 269-629-5797
City Richland State MI Zip 49083 E-Mail rich_cornerstone@sbcglobal.net

Private Road Permit Application – Continued

4. Authorized Agent

Identify person or entity representing the property owner or applicant in this petition:

Name:	<u>Jeffrey D. Swenarton</u>	Cell Phone	<u>269-370-0908</u>	
Organization	<u>Kreis, Enderle, Hudgins & Borsos, P.C.</u>	Telephone	<u>269-324-3000</u>	
Mailing Address:	<u>750 Trade Centre Way, Suite 250</u>	FAX	<u>269-324-3010</u>	
City	<u>Portage</u>	State	<u>MI</u>	
	Zip	<u>49002</u>	E-Mail	<u>jswenarton@kreisenderle.com</u>

REQUIRED APPLICATION ATTACHMENTS

In addition to documents required and listed in the land division application, the following additional documents are required: ~~The private road for the project has been approved. The private road will be a general common element in the Cornerstone Estates Condominium and will be maintained by the Condominium Association. All details will be provided in the Master Deed for the Condominium.~~

1. Approval by applicable road agency (21.26(e))
2. Completed Preliminary Private Road Application and fee
3. Preliminary plans for the Private Road providing plan / profile views, cross section, base and surface materials and depths, existing and proposed grades, drainage features/structures, erosion control plan, tree clearing plan, other information as required by the Zoning Administrator and/or Planning Commission.
4. Description of private road easement
5. Proposed private road maintenance agreement
6. Proposed sign location and illustration and,
7. Engineers construction cost estimate
8. Proof of land title or option to purchase

REQUEST & AFFIDAVIT

The applicant must read the following statement carefully and sign below:

The undersigned requests Thornapple Township review this application and related required documents and site plans as provided in Article 21 of the Thornapple Township Zoning Ordinance. The applicant further affirms and acknowledges the following:

- o *That the applicant has a legal interest in the property described in this application, and*
- o *The answers and statements contained in this application and attachment are in all respects true and correct to the best of my knowledge, and*
- o *That the approval of this application does not relieve the undersigned from compliance with all other provisions of the Zoning Ordinance or other codes or statutes and does not constitute granting of a variance, and*
- o *The applicant grants the Township staff the right to access the subject property for the sole purpose of evaluating the application.*

Private Road Permit Application – Continued

Richard Rosenberg
Applicant Signature

3/30/26
Date

Print Name Legibly

THIS SECTION FOR TOWNSHIP USE

Application received by (initials) _____ on (date) _____
Application fee in the amount of \$ _____ paid on (date) _____ File # _____ - _____

Note: Approval by both the Zoning Administrator and the Planning Commission is required.

- Approved by Zoning Administrator
Signature: _____ Date: ___ / ___ / ___
- Approved by Planning Commission
Signature: _____ Date: ___ / ___ / ___

○ Approval is denied by the: Zoning Administrator Planning Commissioner
For the following reasons: _____



Vriesman
& Korhorn

April 21, 2026
1613

Via Email: pgensterblum@thornapple-twp.org

Phil Gensterblum, Zoning Administrator
Thornapple Township
200 E Main St
Middleville, MI 49333

RE: Cornerstone Estates
Northwest Quadrant of Section 24, Thornapple Township

Dear Phil,

We have reviewed the site plan for Cornerstone Estates prepared by Civica Engineering with a revision date of February 20, 2025. We have the following comments:

1. A permit from the Barry County Road Commission (BCRC) will be required for the private street approach and other work within Whitneyville Road right-of-way. The applicant must provide a copy of the permit when issued. The street name must also be approved by the BCRC, not the Van Buren County Planning Department as stated on the plan.
2. A private road maintenance agreement and easement must be prepared and recorded.
3. Stormwater calculations are not provided. The site plan states that stormwater will be retained in the proposed roadside ditches. In principle, we find that this approach is acceptable if site conditions allow.
 - a. Soils information has been provided, and it appears that existing soils are sand, which will likely be able to infiltrate stormwater. This must be verified by the applicant's engineer in the field during construction.
 - b. The applicant's engineer must provide calculations based on a worst-case scenario to prove that the roadside ditches will be capable of infiltrating stormwater from the contributing area.
 - c. A "typical" plan was provided by the applicant's engineer showing the option to provide overflow pipes at each driveway, restricted by elbows turned upward at the upstream end. We recommend that these pipes are installed rather than relying on flow over the driveways in the event of an overflow.
 - d. The master deed must restrict the width of a driveway and prevent the enclosing of the proposed ditch.
 - e. Maintenance of the ditches must be directed in the master deed in the site condo to assure performance for handling stormwater.

4. We recommend that the plan include a culvert under the proposed street that directs overflow stormwater from the looped road to the shared lot line of Units 2 and 3. A drainage easement and ditch must be established to provide an overland route to the northward swale along the rear yards of Units 2 and 3.
5. We recommend that a pipe is also included west of the tee intersection of the looped street to direct overflow stormwater to the overland flow route between Units 2 and 3.
6. Not enough information is provided on the site plan to determine whether stormwater will be directed to the site condo property. Existing contours should be labeled to aid in that determination.
7. The proposed private street cross section, plan, and profile will meet the requirements of Section 21.26(h) of the Thornapple Township Zoning Ordinance.
8. Soil erosion control measures must be included on the site plan.

Thank you for your consideration in this matter. If you have any questions or concerns, please do not hesitate to call.

Sincerely,

Vriesman & Korhorn



Todd Boerman, PE

TMB/gpw



APPLICATION FOR DIMENSIONAL VARIANCE

Thornapple Township, 200 E. Main St., Middleville, MI 49333
Phone: 269-795-7202 Fax: 269-795-8812
Email: zoning-administrator@thornapple-twp.org

Variance # 119
Hearing Date: 9/13/2026
Fee: \$300

PROPERTY INFORMATION

Property Address: 6180 Whitneyville Road, Middleville 49333
Parcel ID Number: 14-011-031-00 Zoning District RR Wetlands Present? Y to N
Parcel Size Frontage: _____ Depth: _____ feet Area: 22.3 [Acres or square feet]
Legal Description of Property (attach if necessary): See attached site condominium plan for parcel size and legal description.

APPLICANT INFORMATION

1. Applicant

Identify the person or entity requesting this variance:

Name: Cornerstone Construction & Builders, Inc. Cell Phone 269-209-1940
Organization: Cornerstone Construction & Builders, Inc. Telephone 269-629-5702
Mailing Address: 10328 M-89 Fax 269-629-5797
City Richland State MI Zip 49083 E-Mail rich_cornerstone@sbcglobal.net

2. Applicant Interest

The applicant must have a legal interest in the subject property, please check one below:

Property Owner Purchase by Land Contract Option to Purchase Purchase Agreement Lessee over 1 year

3. Property Owner

Check here if applicant is also property owner

Identify person or entity that owns the subject property: Cell Phone 269-209-1940
Organization: Cornerstone Construction & Builders, Inc. Telephone 269-629-5702
Mailing Address: 10328 M-89 Fax 269-629-5797
City Richland State MI Zip 49083 E-Mail rich_cornerstone@sbcglobal.net

DESCRIPTION OF VARIANCE REQUEST

- Current Zoning District: "RR" - Rural Residential Zoning District
- Section of Zoning Ordinance from which relief is being requested: Sections 6.10 and 6.11 of the "RE" - Residential Estates Zoning District
- Check one or more:
 Front yard setback Side Yard setback

APPLICATION FOR DIMENSIONAL VARIANCE – Continued pg.2

DESCRIPTION OF VARIANCE REQUEST - continued

4. *Explain Specific Variance:* Variance from Section 6.10(b) and Section 6.11 of the zoning ordinance.

Applicant is requesting three (3) variances from the following requirements: (a) that this project only be served by public roads (Section 6.10(b)); (b) that RE - Residential Estates zoned property only be located in the Joint Planning Area (Section 6.11); (c) that this project be served only by public sanitary sewer (Section 6.11).

APPLICANT'S JUSTIFICATION FOR VARIANCE REQUEST:

(attach added narrative or exhibits as desired)

The Property is not located within the Joint Planning Area nor within a reasonable distance of sewer and water.

The Barry County Road Commission no longer accepts public roads within site condominiums or plats.

REQUEST & AFFIDAVIT

The applicant must read the following statement carefully and sign below:

The undersigned requests Thornapple Township review the information included with this Appeal as provided by Article XXVII of the Zoning Ordinance. The applicant further affirms and acknowledges the following:

- ✓ *That the applicant has a legal interest in the property relating to this Appeal, and*
- ✓ *The information and statements contained in this form and enclosures are in all respects true and correct to the best of his/her/our knowledge, and*
- ✓ *The approval of this Appeal does not relieve the undersigned and property owner from compliance with all other applicable provisions of the Zoning Ordinance or other applicable Township Ordinances and statutes does not constitute granting of a variance, and*
- ✓ *The applicant/undersigned will comply with any and all conditions imposed by the Zoning Board of Appeals if this Appeal is granted in whole or in part, and*
- ✓ *If the undersigned is acting as property owner or is the property owner, Township staff and members of the Zoning Board of Appeals are hereby granted right of access to the subject property for the sole purpose of evaluating this Appeal.*

APPLICATION FOR DIMENSIONAL VARIANCE – Continued pg. 3

Arthur Resuberga

Applicant Signature

3/30/20

Date

Applicant Signature

Date

If the Applicant is not the property owner, the property owner must sign below:

- o Is/are aware of the content of this appeal, and
- o Authorizes the applicant to submit this Appeal, and to represent him/her with the Township Zoning Board of Appeals, and
- o Grants Township staff and members of the Zoning Board of Appeals the right to access the subject property for the sole purpose of evaluating this Appeal.

Property Owner Signature

Date

Property Owner Signature

Date

OFFICE USE ONLY:

Appeal Fee \$ _____ Fee Paid by ___ Cash ___ Check Receipt # _____

Received by: _____ Date _____

ZONING ORDINANCE CRITERIA FOR GRANTING A DIMENSIONAL VARIANCE

Section 27.6 of the Zoning Ordinance set forth the criteria on which the Zoning Board of Appeals (ZBA) may grant a variance in whole or in part. If a variance is granted, the ZBA may attach specific conditions to the variance.

If an applicant seeks a non-use or dimensional variance from any of the provisions or requirements of this Ordinance, the applicant must demonstrate that all of the following standards will be met and bears the burden of proof regarding such standards:

1. Is the property subject to exceptional or extraordinary circumstances or conditions that do not apply generally to other properties in the same zoning district? Exceptional or extraordinary circumstances or conditions can include:
 - a. *Exceptional narrowness, shallowness or shape of the specific property that existed when the applicable Zoning Ordinance provision went into effect;*
 - b. *Exceptional topographic conditions or other extraordinary situations on or involving the land, building or structure;*
 - c. *Because of the use or development of the property immediately adjoining the property in question, the literal enforcement of the Zoning Ordinance requirements as to the property in question would involve practical difficulties; or*
 - d. *Any other physical situation on or involving the land, building or structure deemed by the ZBA to be extraordinary.*

2. The condition or situation of the specific piece of property for which the variance is sought is not of a general or recurrent nature (i.e. it generally does not apply to other properties).

3. Is a variance necessary for the preservation and enjoyment of a substantial property right, similar to the property rights possessed by other properties in the same zoning district and vicinity?

4. Will a variance not be significantly detrimental to adjacent properties and the surrounding neighborhood?

5. Will a variance not impair the intent and purpose of the Zoning Ordinance requirement that is the subject of the variance request?

6. Is the practical difficulty such that it was not self-created by any action by the applicant or their predecessors-in-title?

7. Will the requirement of the Zoning Ordinance at issue involve practical difficulty for the applicant or the property involved?

ARTICLE XXVII

ZONING BOARD of APPEALS

Section 27.1 Membership, Appointment and Tenure

The Zoning Board of Appeals is hereby confirmed and created under terms of the Michigan Zoning Enabling Act, being Public Act 2006 [MCL 125.3101 et seq], as amended. The Zoning Board of Appeals shall consist of five members.

The first member of the Board of Appeals shall be a member of the Township Planning Commission. The second member may be a member of the Township Board. If there is no Township Board member appointed, then the other four members of the Board shall be appointed from among the electors residing in the Township, provided that none of these four members shall simultaneously serve as an elected officer of the Township or as an employee of the Township Board or Board of Appeals. The members selected from among the electors of the Township shall each serve a term of three years, staggered in such a way that the term of at least one member expires each year.

Section 27.2 Officers

The Board of Appeals shall elect from its members a chairperson, vice-chairperson and secretary.

Section 27.3 Rules of Procedure

The Board shall adopt rules of procedure. Meetings of the Board shall be held at such times as the Board may determine. All meetings of the Board shall be open to public attendance.

Section 27.4 Quorum and Voting Requirements

- (A) The presence of three members shall constitute a quorum. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass by this Ordinance, or to grant variances from the terms of this Ordinance.
- (B) The Board shall keep minutes of its proceedings, showing the action of the Board and the vote of each member upon each matter voted upon. The minutes shall also include the reasons and grounds for actions taken by the Board, whether in favor of or in denial of applications under consideration; such reasons and grounds may be included in the body of the minutes or may be included by reference to an attached, separate

resolution or order adopted by concurring vote of a majority of Board membership.

Section 27.5 Authority of Zoning Board of Appeals

- (A) The Board of Appeals shall act upon all questions as may arise in the administration of the zoning ordinance, including the interpretation of zoning maps. It shall hear and decide all appeals from and review any order, requirements, decision or determination made by the Zoning Administrator or other administrative officers charged with the enforcement of the provisions of this Ordinance.
- (B) The Board of Appeals shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance, including but not limited to:
 - (1) Where it is alleged that there is error or misinterpretation in any order, requirements, decisions, grant or refusal made by the Zoning Administrator or any other administrative board or official charged with the enforcement of the provisions of this Ordinance.
 - (2) Where by reason of the exceptional narrowness, shallowness, or shape of a lot or parcel of land, by reason of exceptional topographic conditions or extraordinary conditions of land, buildings or structures, there are practical difficulties in carrying out the literal requirements of this Ordinance.
 - (3) Where by reason of the uses adjacent or on nearby lands or for other reasons, there is or would be a defined practical difficulty in carrying out the literal requirements of this Ordinance.
- (C) An appeal to the Board of Appeals stays all proceedings in furtherance of the action appealed. The officer or body from whom the appeal is taken may certify to the Board of Appeals that a stay would cause imminent peril to life or property. In that event, proceedings shall not be stayed unless an order directing such stay of proceedings is granted by the Board of Appeals or entered by the circuit court, after the giving of notice to the officer or body from whom the appeal was taken, and upon a showing of sufficient cause for the order for a stay of proceedings.
- (D) The Board of Appeals shall have no jurisdiction or authority over or with regard to an ordinance amendment approved by the Board of Trustees and shall have no jurisdiction or authority to hear an appeal from any aspect or part of a determination or decision made with regard to a special land use or planned unit development.
- (E) The Board of Appeals shall have no jurisdiction or authority to grant use variances.

Section 27.6 Dimensional Variances

If an applicant seeks a non-use or dimensional variance from any of the provisions or requirements of this Ordinance, the applicant must demonstrate

that all of the following standards will be met and bears the burden of proof regarding such standards:

1. Is the property subject to exceptional or extraordinary circumstances or conditions that do not apply generally to other properties in the same zoning district? Exceptional or extraordinary circumstances or conditions can include:
 - a. Exceptional narrowness, shallowness or shape of the specific property that existed when the applicable Zoning Ordinance provision went into effect;
 - b. Exceptional topographic conditions or other extraordinary situations on or involving the land, building or structure;
 - c. Because of the use or development of the property immediately adjoining the property in question, the literal enforcement of the Zoning Ordinance requirements as to the property in question would involve practical difficulties; or
 - d. Any other physical situation on or involving the land, building or structure deemed by the ZBA to be extraordinary.
 2. The condition or situation of the specific piece of property for which the variance is sought is not of a general or recurrent nature (i.e. it generally does not apply to other properties).
 3. Is a variance necessary for the preservation and enjoyment of a substantial property right, similar to the property rights possessed by other properties in the same zoning district and vicinity?
 4. Will a variance not be significantly detrimental to adjacent properties and the surrounding neighborhood?
 5. Will a variance not impair the intent and purpose of the Zoning Ordinance requirement that is the subject of the variance request?
 6. Is the practical difficulty such that it was not self-created by any action by the applicant or their predecessors-in-title?
 7. Will the requirement of the Zoning Ordinance at issue involve practical difficulty for the applicant or the property involved?
- [amended 3-28-2020]

Section 27.7 Conditions Attendant to Variance

When authorizing any variance, the Board of Appeals may attach to its approval, any conditions it deems reasonably necessary for protection of adjoining property, the neighborhood and to further the intent and spirit of this Ordinance. The Board may require the applicant submit a site plan meeting requirements of Article XX before application is made for a zoning permit.

Section 27.8 Time Limitations on Variances

The construction or other work authorized by the variance shall be commenced, and shall reasonably proceed toward completion, not later than one year after the granting of the variance. The Board of Appeals may grant an extension of up to

one additional year, upon request by the applicant and if the Board finds that extenuating circumstances have prevented the commencement and/or the reasonable progression of the authorized work, or if the Board determines that an extension is otherwise justified. Any request for such an extension shall be filed in writing and be considered at a public meeting of the Board of Appeals, but a public hearing shall not be required.

Section 27.9 Procedure

- (A) Any ruling of the Zoning Administrator or other administrative officer administering any portion of this Ordinance may be appealed by any person affected or aggrieved thereby.
- (B) Each completed application form for an appeal or variance shall be accompanied by a filing fee set by resolution of the Township Board.
- (C) When a variance application or an appeal has been filed in proper form and with the required data, the Zoning Administrator shall place the application upon the calendar for hearing within a reasonable time and cause notice of the public hearing to be published, mailed and delivered in accordance with Section 28.12 of this Ordinance. Each party may appear at the hearing in person or by agent to offer testimony and/or may submit written documentation to the Board

Section 27.10 Decisions of the Zoning Board of Appeals

- (A) The Zoning Board of Appeals shall decide all applications for variance and appeal within a reasonable period of time.
- (B) The Zoning Board of Appeals, when considering an appeal of an administrative decision or order, may affirm or reverse in whole or in part, or may modify the decision, order, requirement or determination that is being appealed. For such purpose, the Zoning Board of Appeals shall have all the powers of the Township officer or body from whom the appeal was taken.

The motion or resolution of the Board of Appeals, whereby the matter is decided, shall include findings of fact and shall state the reasons and grounds for the decision rendered. At its discretion, the Board may also direct the issuance of all relevant Township permits.

Each decision of the Board of Appeals on an appeal from a Township officer or body shall be final; provided, however, a party aggrieved by the Board of Appeals' decision may appeal to the circuit court, to the extent and in the manner permitted by law.

- (C) The Zoning Board of Appeals, when considering a dimensional variance, if relief is warranted, shall grant only such relief as is necessary to relieve the practical difficulty. Such decision shall be binding upon the Zoning Administrator, or other Township officials having authority in the

circumstances. The Zoning Administrator shall incorporate the terms and conditions of the Board of Appeals' decision in any permit issued to the applicant pursuant to the decision of the Board of Appeals.

Each decision of the Board of Appeals on a variance from terms of this Ordinance, shall be final; provided, however, a party aggrieved by the Board of Appeals' decision may appeal to the circuit court, to the extent and in the manner permitted by law.

Section 27.11 Alternate Members

- (A) As provided by law, the Township Board may appoint two alternate members to the Zoning Board of Appeals.
- (B) An alternate member of the Board of Appeals may serve as a regular member of the Board in absence of a regular member.
- (C) An alternate member may also serve as a regular member of the Board for the purpose of reaching a decision on a case in which a regular member has abstained because of a conflict of interest. When the alternate member serves by reason of a conflict of interest on the part of a regular member, the alternate member shall hear and decide only the matter as to which the conflict of interest has arisen.
- (D) When an alternate member is appointed to serve in the place of a regular member, the alternate member shall serve in the case or cases under consideration until a final decision is made, whether at one or more meetings.
- (E) An alternate member of the Board of Appeals has the same voting rights as a regular member of the Board.

Sections 27.12 – 27.99 [Reserved]

ARTICLE VI

“RE” RESIDENTIAL ESTATES ZONING DISTRICT

Section 6.1 Description and Purpose

A single family residential zoning district intended to provide for larger home sites. It may be applied in the area of the Township lying within the Joint Planning Area or near Duncan Lake only on lands served by public sanitary sewer service.

Section 6.2 Permitted Land Uses

Land and buildings in the “RE” Residential Estates Zoning District may be used by right for the following purposes only:

- (a) Family day care home for not more than six (6) minor children.
- (b) Adult foster care family home for not more than six adults.
- (c) Single family dwelling.
- (d) Common open space residential development, subject to regulations of Section 21.38.

Section 6.3 Special Land Uses

The following uses of land and buildings may be permitted when authorized as a special land use by the Planning Commission, subject to regulations contained in Article XIX:

- (a) Adult foster care for 7-12 adults.
- (b) Bed and breakfast establishment.
- (c) Church, synagogue, temple, mosque and any other recognized place of worship.
- (d) Communication tower and antenna.
- (e) Golf course, country club.
- (f) Group day care for 7-12 minor children.
- (g) Home-based business.
- (h) Land division creating 5 or more new lots or parcels.
- (i) Public and institutional use.
- (j) Public and private K-12 school.
- (k) Publicly owned park, playground, recreation area and athletic ground.
- (l) Site condominium that is not a common open space residential development.
- (m) Subdivision that is not a common open space residential development.
- (n) Essential services building.

6.4 Other Land Uses

The following other land uses may be permitted as provided in this Ordinance:

- (a) Customary accessory use as regulated in this Ordinance.
- (b) Temporary use as regulated by this Ordinance.
- (c) Planned Unit Development Overlay District.

6.5 “RE” Residential Estates Zoning District Regulations

Land divisions, buildings and structures in the “RE” Residential Estates Zoning District shall comply with the following requirements unless expressly provided otherwise in this Ordinance:

- (a) **Minimum Lot Area and Width.** 20,000 square feet and 100 feet lot width; provided, however, that a lot or parcel of land which is platted or otherwise recorded in the records of the Barry County Register of Deeds prior to April 1, 1997 may be used for one single family detached dwelling if it has a minimum area of 15,000 square feet and a minimum width of 80 feet.
- (b) **Minimum Required Building Setbacks.**
 - (1) **Front Yard.** There shall be a minimum front yard building setback of 35 feet.
 - (2) **Side Yard.** Side yard building setback shall not be less than 12 feet.
 - (3) **Rear Yard.** There shall be minimum rear yard building setback of 35 feet.
 - (4) **Maximum Height.** No building or structure shall exceed 35 feet in height, except permitted communications antennas and towers.
- (c) **Minimum Floor Area for Dwelling.** Each single family dwelling hereafter constructed shall meet requirements of Section 21.9 herein.

Section 6.6 Parking Regulations

All uses of land and buildings in this District shall conform to applicable parking and loading regulations contained in Article XXIII.

Section 6.7 Sign Regulations

All signs in this District shall conform to applicable sign regulations contained in Article XXIV.

Section 6.8 Site Plan Review

All uses of land and buildings in this District shall conform to applicable site plan content and review requirements contained in Article XX.

Section 6.9 Landscape Standards

All uses of land and buildings in this District shall conform to applicable landscaping standards contained in Article XXV.

Section 6.10 Special Regulations

- (a) **Overlay Districts.** Lands in the “RE” District that are also located in any “NR”, “WP”, or “AM” Overlay District shall also comply with terms of applicable overlay district(s).
- (b) **Private Roads.** Construction of and use of private roads for access to new residential use parcels after the effective date of this Ordinance is specifically prohibited within the “RE” Residential Estates Zoning District. Private roads listed in Appendix A hereto, and existing on the effective date of this ordinance shall not be increased in length but may be upgraded to meet requirements of this Ordinance applicable to private roads.

Section 6.11 Joint Planning Area

The “RE” Residential Estates Zoning District may be applied only to lands served by public sanitary sewer and lands within the Joint Planning Area as defined in Article XXXII and only if residential density is consistent with the adopted 2007-2020 Thornapple Township Master Plan.

Sections 6.12 – 6.99 [Reserved]



**NOTICE OF PUBLIC HEARING
THORNAPPLE TOWNSHIP PLANNING COMMISSION
MONDAY, APRIL 27, 2026, at 7:00 P.M.**

Please be advised the Thornapple Township Planning Commission will hold public hearings on April 27, at 7pm or as soon thereafter as possible. The public hearings will take place in the Township Hall, 200 E. Main St., Middleville.

The public hearings will address the following:

- 1) *Special Land Use #182 – Applicant Cornerstone Building & Development is wishing to construct a 15 unit site condominium development at 6180 Whitneyville Rd, Middleville, MI 49333 (parcel 08-14-011-031-00) per Thornapple Township Zoning Ordinances: Article VI, Section 19.62, Section 21.26, Section 21.30, and Article XXIX.*

Any interested person may attend the public hearings to learn about the extent and location of Special Use requests to offer comments to the Planning Commission. A copy of the application noted above may be examined in the Township offices at the address noted above during regular business hours. Monday – Thursday 9am- 4pm

**Written comments regarding these applications may be addressed to: Secretary Sandy Rairigh, Thornapple Township Planning Commission, P.O. Box 459, Middleville, MI 49333, or submitted via email to:
zoning-administrator@thornapple-twp.org**

Americans with Disabilities Notice

Persons with special access needs should contact the Township Clerk at 269-795-7202 no less than 72 hours before the hearings.

Kathy Medenblik, Thornapple Township Clerk

THORNAPPLE TOWNSHIP

PLANNING COMMISSION

ENCLOSED IS A NOTICE OF PUBLIC HEARING

FOR

April 27, 2026 at 7:00 P.M.

In the Township Hall, 200 E. Main St., Middleville, MI 49333

Pursuant with the Michigan Zoning Enabling Act, 110 PA 2006, all property owners and occupants of structures within 500 feet of the property in question shall be sent notice of a hearing by mail. You will be given opportunity to speak to the Planning Commission concerning your views on this application, or you may transmit your written comments to:

Planning Commission
Attn: Secretary
Thornapple Township
200 E. Main Street, P.O. Box 459
Middleville, MI 49333



APPLICATION FOR APPROVAL OF SPECIAL USE

Thornapple Township, 200 E. Main St., Middleville, MI 49333
Phone: 269-795-7202 Fax: 269-795-8812
Email: zoning-administrator@thornapple-twp.org

Case # SU- 181
Hearing Date 2/23/2026

PROPERTY INFORMATION

Property Address: NE corner of N Patterson Rd and Gackler Rd
Parcel ID Number: 14-018-005-00 Zoning District A Wetlands Present? YES - minor in NW corner
Parcel Size Frontage: 2640' feet Depth: 1270' feet Area: 76.70 [Acres or square feet]
Master Plan Future Land Use Map Designation for Parcel: A
Current Use of Property [Describe] Crop Farming
Describe Proposed Special Land Use: Mineral Extraction while farming the remaining parcel
Eventually build a man made large pond and sell larger lots around the pond. Farm what is not being excavated during the time of mineral extraction
Section of Zoning Ordinance Allowing Special Land Use: Mineral Extraction

Provide a land survey and/or legal description of the subject property on a page attached to this petition

APPLICANT INFORMATION

1. Applicant

Identify the person or entity making this petition:

Name: Carson Galloway/Excel Excavation Group LLC Cell Phone 616-558-9666
Mailing Address: 5640 108th St SE Telephone _____
City Caledonia State MI Zip 49316 FAX _____
E-Mail carson.galloway@excelexc.com

2. Applicant Interest

The applicant must have a legal interest in the subject property, please check one below:

Property Owner Purchase by Land Contract Option to Purchase Purchase Agreement Lessee over 1 year

3. Property Owner

Check here if applicant is also property owner

Identify person or entity that owns the subject property:

Name: _____ Cell Phone _____
Mailing Address: _____ Telephone _____
City _____ State _____ Zip _____ Fax _____
E-Mail _____

Application of Special Use – Continued

4. Authorized Agent

Identify person or entity representing the property owner or applicant in this petition:

Name: Nederveld - Chuck Hoyt Cell Phone 616-340-5702
Mailing Address: 217 Cesar E Chavez Ave SW STE 302 Telephone
City Grand Rapids State MI Zip 49503 Fax
E-Mail choyt@nederveld.com

REQUIRED PETITION – WRITTEN ATTACHMENTS

- Provide narrative to explain need for the proposed Special Land Use
Provide narrative addressing Section 19.3(1)-(10) criteria.
Site Plan, if required

REQUEST & AFFIDAVIT

The applicant must read the following statement carefully and sign below:

The undersigned requests Thornapple Township review this petition and companion documents as provided in the zoning ordinance now in effect. The applicant further affirms and acknowledges the following:

- That the petitioner has a legal interest in the property described in this petition, and
The answers and statements contained in this petition and attachment are in all respects true and correct to the best of my knowledge, and
The petitioner offers the conditions set forth herein on its own volition and completely voluntary.
The approval of this petition does not relieve the undersigned from compliance with all other provisions of the Zoning Ordinance or other applicable codes and ordinances and does not constitute granting of a variance, and
The undersigned hereby grants Thornapple Township staff and Planning Commission member the right to access the subject property for the sole purpose of evaluating this petition.

Applicant Signature Date 1-23-2026

Applicant Signature Date

If the petitioner is not the property owner, the property owner must sign below:

Property Owner Signature Date

OFFICE USE ONLY:

Fee \$ Fee Paid by Cash Check Receipt # Received by:



APPLICATION FOR SITE PLAN REVIEW ARTICLE XX

Thornapple Township, 200 E. Main St., Middleville, MI 49333
Phone: 269-795-7202 Fax: 269-795-8812
Email: zoning-administrator@thornapple-twp.org

PROPERTY INFORMATION

Property Address: NE Corner of N Patterson Rd and Gackler Rd
Parcel ID Number: 14-018-005-00 Zoning District A Wetlands Present? Yes
Parcel Size Frontage: 2640' feet Depth: 1270' feet Area: 76.7 [Acres or square feet]
Master Plan Future Land Use Map Designation for Parcel: A
Current Use of Property [describe]: Crop Farming
Proposed Use (describe): Mineral Extraction while farming the remaining parcel
Eventually build a man made large pond and sell larger lots around the pond. Farm what is not being excavated during the time of mineral extraction

APPLICANT INFORMATION

1. Applicant

Identify the person or organization requesting the Special Land Use:

Name: Carson Galloway Cell Phone 616-558-9666
Organization Excel Excavation Group LLC Telephone _____
Mailing Address: 5640 108th ST SE FAX _____
City Caledonia State MI Zip 49316 E-Mail carson.galloway@excelexc.com

2. Applicant Interest

The applicant must have a legal interest in the subject property, please check one below:

- Property Owner Purchase by Land Contract Option to Purchase
 Purchase Agreement Lessee over 1 year

3. Property Owner

Check here if applicant is also property owner

Identify person or organization that owns the subject property:

Name: _____ Cell Phone _____
Organization _____ Telephone _____
Mailing Address: _____ FAX _____
City _____ State _____ Zip _____ E-Mail _____

Application for Site Plan Review – Continued

4. Authorized Agent

Identify person or entity representing the property owner or applicant in this petition:

Name: <u>Chuck Hoyt</u>	Cell Phone	<u>616-340-5702</u>
Organization <u>Nederveld</u>	Telephone	<u></u>
Mailing Address: <u>217 Cesar E Chavez Ave SW STE 302</u>	FAX	<u></u>
City <u>Grand Rapids</u> State <u>MI</u> Zip <u>49503</u>	E-Mail	<u>choyt@nederveld.com</u>

REQUIRED APPLICATION ATTACHMENTS (see Sec. 20.4(a) & 20.4(b))

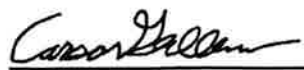
- o **Description of Project** (Use applicant’s letterhead if possible)
Written description of the proposed site and/or building layout, building and structure design information, floor plans, parking calculations, current environmental conditions, and other pertinent information.
- o **Site Plans, Building Elevations, and Floor Plans**
Enclose 14 copies of site plans, building elevations and floor plans as required on the Site Plan Review Checklist.

REQUEST & AFFIDAVIT

The applicant must read the following statement carefully and sign below:

The undersigned requests Thornapple Township review this application, related required documents and site plans as provided in Article 20 of the Thornapple Township Zoning Ordinance. The applicant further affirms and acknowledges the following:

- o *That the applicant has a legal interest in the property described in this application, and*
- o *The answers and statements contained in this application and attachment are in all respects true and correct to the best of my knowledge, and*
- o *That the approval of this application does not relieve the undersigned from compliance with all other provisions of the Zoning Ordinance or other codes or statutes and does not constitute granting of a variance, and*
- o *That the applicant will comply with any and all conditions imposed in granting an approval of this application, and*
- o *If also the owner, the applicant grants the Township staff and Planning Commission members the right to access the subject property for the sole purpose of evaluating the application.*



Applicant Signature

1-23-2026

Date

Applicant Signature

Date

Application for Site Plan Review – Continued

If the applicant is not the property owner, the property owner must sign below:

The undersigned affirms and acknowledges that he, she or they are the owner(s) of the property described in this application, and:

- o I am / we are aware of the contents of this application and related enclosures.
- o Authorizes the applicant to submit this application and represent the undersigned in the matter being reviewed by Thornapple Township.
- o Grants the Township staff and the Planning Commission members the right to access the subject property for the sole purpose of evaluating the application.

Property Owner Signature

Date

Property Owner Signature

Date

OFFICE USE ONLY:

Assigned Site Plan # _____

Fee \$ _____ **Fee Paid by** **Cash** **Check** **Receipt #** _____

Application Received by: _____

Patterson Pond Basis of Decision Responses

Section 19.53 Mineral Extraction and Processing

Each mineral extraction and/or processing facility shall conform to the following standards:

(a) Permits for mineral extraction and processing shall be in the names of both the operator and the landowner (hereinafter, "permit holder"). **Confirmed**

(b) It shall be the responsibility of the permit holder to use ecological conservation practices for all areas used for excavation. **Confirmed and achieved. No existing wetlands or forests being touched**

(c) No business or industrial buildings or structures of a permanent nature shall be erected except in the Industrial District. **Confirmed. Nothing Proposed**

(d) Before the commencement of any mineral extraction, a 10/47 fence (standard farm-type fence) or six foot chain link fence (or a suitable substitute approved by the Planning Commission) shall be erected around the perimeter of the active extraction and/or processing site and maintained in good condition until extraction and mining operations have been completed. A locked gate shall be provided at all access points from the public road to the extractive operation. Said gates shall be closed and locked at all times except during the permitted hours of operation. **Confirmed. Planned around the entire property with gates. See site plan.**

(e) No excavation shall occur within 100 feet of a road right-of-way. The Planning Commission may allow excavation within this minimum setback area as part of the reclamation process provided no excavation is allowed within 50 feet of any road right-of-way. No excavation shall occur within 200 feet of an off-site residence. No excavation shall be within 100 feet of a property line. The Planning Commission may allow excavation within this minimum setback area as part of the reclamation process provided no excavation is allowed within 25 feet of any property line. The Planning Commission may also allow mineral extraction within the minimum setbacks set forth above if those residents and property owners abutting that portion of the site affected by the minimum setbacks consent in writing. **Agreed and accomplished per site plan**

(f) No processing of minerals, including washing, sorting, grating, grading, crushing, etc. shall be conducted within 500 feet of any off-site residence or within 300 feet of any property line. The Planning Commission may permit processing to be located within the setback requirements if, due to environmental or topographical features, such location will create less adverse impact than strict compliance with the setback requirements. **NO WASHING SORTING GRATING CRUSHING etc proposed for this site at all. Just bank run sand extraction**

(g) Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls and natural planting screens. All equipment shall be maintained and operated in such manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment. **Agreed. Berms proposed on site plan. Modern equipment being used. No vibrations due to no large sorting or crushing or vibrating type equipment to be used. There is nothing to be**

used louder than any farm machinery which is quite prevalent in the area. We will be installing "White Noise" backup alarms instead of the typical alarms to avoid noise traveling and disturbing the peace. Using loaders to load trucks. Not using large sorting or crushing or impact or industrial type equipment on this operation.

(h) Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance. Ingress and egress to a public right-of-way shall be paved with asphalt or concrete for a distance of 200 feet from the property line. **Understood and agreed. There will be a paved entrance over 250' in plus a tire washing section before the pavement. The main way we will keep dust down is using asphalt millings on the truck paths and watering and or treating the millings as needed. Also Proposing we install a sprinkler system so that all truck roads are sprinkled actively during the dry times to ensure no dust and ensure no lapse in treatment. Sweeping of the asphalt daily.**

(i) The operation of mineral extraction and processing shall be restricted to the hours of 7 a.m. until 6 p.m. Monday through Friday and 7 a.m. to 12 p.m. on Saturday. No operations shall be conducted on Sundays or legal holidays, or at any time over the Memorial Day or Labor Day weekend, or the Independence Day weekend if July 4 falls on a Monday or Friday. The operation hours, days, seasons or months may be further restricted by the Planning Commission in order to minimize nuisance impacts on neighbors or for public safety considerations with respect to the use of roads. **Agreed. Pit Hours will be set as such.**

(j) All truck operations shall be directed away from residential streets, whenever practical. **Confirmed. Truck entrance is the furthest distance from any residence and enters and exits onto the main trucking road for Barry and Allegan county. Class A trucking road. NO TRUCK TRAFFIC ALLOWED FROM OUR OPERATIONS ON GACKLER, 143rd, or 144th. ALL TRUCKS MUST USE PATTERSON, FINKBEINER, or 141st which are all trucking roads. Should actually be a REDUCTION in truck traffic at the intersection of Gackler and Patterson as a lot of trucks come from the North and will be stopping at our location instead of heading further south to the other pits. See site distance map showing distance from truck entrance to nearest houses and intersection of 144th.**

(k) In approving the processing area, the Planning Commission may require berms and/or other screening to reduce sound or vibration impact on neighboring properties. **Understood and proposed as such. See site plan and phasing plan.**

(l) Reclamation and rehabilitation of mined areas shall be accomplished progressively as the area is being mined. Exclusive of processing and storage areas, not more than 10 acres of the intended project area may be disturbed at one time. Substantial completion of reclamation and rehabilitation shall be affected within one year after the termination of mining or excavation activity in each area. **Agreed and confirmed.**

(m) The banks of all excavations shall be sloped to the water line in a water-producing excavation, and to the pit floor in a dry operation at a final slope which shall not be steeper than one foot vertical to four feet horizontal. **Agreed and confirmed.**

(n) Topsoil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches or other planned

improvements are to be completed within a 1-year period. Where used, topsoil shall be applied to a minimum depth of 4 inches sufficient to support vegetation. **Agreed and confirmed.**

(o) Vegetation similar to that which existed prior to the excavation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion. **Agreed and confirmed.**

(p) Upon cessation of mining operations by abandonment or otherwise, the operation company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located may be retained. **Agreed and confirmed.**

(q) No special use permit for mineral extraction or processing shall exceed a term of 2 years. In any request for extension or renewal of a mineral extraction and processing special use permit, the Planning Commission shall take into consideration any violations of restrictions during the preceding period. **Agreed and confirmed.**

(r) Inspection fees:

For the purpose of reimbursing the Township for inspections, monitoring, administration and enforcement of this Ordinance with respect to the permit holder, and in view of the relative impossibility of calculating and precisely anticipating amounts to be required for such purpose, the permit holder shall, upon approval of the special use, and prior to commencing operation, make an initial deposit of an amount determined by the Township to be sufficient to provide for the cost of regular and/or extraordinary inspections, monitoring and enforcement, as required, including reasonable fees for attorneys, engineers and/or other experts, to insure compliance with this Ordinance to the Township. The Township Treasurer shall hold such amount in an interest-bearing account for the permit holder for each approved special use. Interest earned will accrue to the account held in the name of the permit holder. Balance of deposited inspections fees with accumulated earned interest shall be returned to applicant after reclamation is completed and approved by the Township Board.

The fee requirement shall be determined on a monthly basis and paid out of said account and shall be equal to the aggregate of the statements and invoices to the Township for all costs and expenses incurred which are reasonably related to inspections, monitoring, administration and enforcement of this Ordinance.

The fee requirement shall be invoiced to the permit holder on a monthly basis and shall be paid to the Township within 30 days. Upon receipt, the payment shall be disbursed as follows: the amount equal to the statements and invoices shall be credited to the permit holder's account, to reimburse the amounts paid out, as aforementioned.

The amount on account with the Township in connection with the permit holder shall be maintained at a minimum of the amount determined by the Township to be sufficient to provide for the Township's cost of regular and/or extraordinary inspections, monitoring and enforcement, as required, including reasonable fees for attorneys, engineers and/or other experts, to ensure compliance with this ordinance. The permit holder shall be invoiced immediately for the deficiency and such amount shall be paid within 30 days. **Agreed and confirmed.**

Signed: Carson Galloway 

Excel Excavation

2-18-2026

Patterson and Gackler Sand Pit – Excel Excavation Updated 1-23-2026

SEE SITE PLAN

The intension of this extraction operation is to responsibly build an improved section of land with eventual waterfront larger “country” single family lots with plenty of room for pole barns or other improvements. This falls in line with the current needs and nature of Thornapple township maintaining a country feel. These lots would all be well and septic and would have very little (possibly none) new private roads. The large pond will provide a new natural habitat for wildlife as well as enjoyment by the surrounding homes and possibly even some of the existing homes nearby (if they wish). The entire process is expected to take 10 years or less and be restored in a manner that improves the beauty of the area when completed while also providing some premium single family lots.

Section 19.3 Basis of Decision

The decision of the Planning Commission on a special land use shall be incorporated in a statement which sets forth the findings, determinations and conclusion relative to the special land use application being considered. The statement shall specify the basis for the decision of the Planning Commission and any conditions imposed.

Prior to the approval of a special land use application, the Planning Commission shall ensure that the standards specified in this section, as well as applicable standards established elsewhere in this Article, shall be satisfied by the special land use application being considered.

The Planning Commission shall review the particular circumstances of the special land use request under consideration in terms of the following general standards, and shall approve a special land use only upon finding compliance with each of the following standards, as well as applicable standards established elsewhere in this Article:

- (1) The special land use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property. **Agreed and achieved through our proposal of a pond with single family larger “country” lots around the pond as the final use. Also, based upon the multiple sand pits in the surrounding 2 miles, it is quite similar to the area surrounding it.**

- (2) The special land use shall not impair the essential character of the surrounding area. **Achieved as stated above, everything around it is either farm land or sand pits. To the East is an existing development with a more dense design than what we will end up with. Patterson is a Class A truck route where lots of trucks traverse already, so our entrance will be onto Patterson. The truck traffic will not increase much, as those trucks would have likely headed further south along the same road to the other pits if in the area.**
- (3) The special land use shall not create serious nuisance nor be hazardous to the adjacent property or involve uses, activities, materials, or equipment which will be detrimental to the public health, safety and general welfare. **We will pave our entrance road, then spread millings on the truck drive to reduce dust, water as necessary, and ensure no track out onto public roads. We will also be building a berm on the East side of the property to reduce noise and or visual nuisance as well as leaving any trees present on those property lines. We will be operating the equipment down low once the bank is established so the noise will be confined to the lower pit area. Back up beepers that make a white noise sound rather than a penetrating beeping sound will be used. The existing farm operations that have been in place for centuries have created similar sound and dust levels. We will also maintain the operating hours prescribed in the ordinance. We will maintain the proper setbacks to ensure safety. The proposed entrance is the furthest away from any residences as possible.**
- (4) The special land use shall not have a substantial adverse effect on storm water drainage; street capacity and volume of traffic; traffic safety and vehicle circulation; sanitary sewage disposal and water supply; or other adverse effects. **The storm drainage will improve, maintaining more of the water from this land to stay on this land. We will ensure no run off. There will not be a sizable traffic addition to the area. Any truck traffic is similar to that around it from other pits or farm operations or Class A Patterson traffic as it is. No sanitary or water affected. The entrance proposed has better site distances than nearby county road entrances (144th)**
- (5) The special land use shall not have a substantial adverse effect on the need and extent of law enforcement and fire protection services, or other public safety and emergency services. **No change foreseen.**
- (6) The special land use shall not have a substantial negative impact on the natural resources and natural features. **No change foreseen. If anything, the final design will allow for additional "natural features" allowing for additional habitats for wildlife. The natural water table in the area will NOT be affected as it is lower than our proposed excavations. The future pond will be fed by storm runoff from this land and will need to be clay lined due to the lower water table.**
- (7) Vehicular and pedestrian traffic circulation shall be designed to minimize conflicts on public streets and upon the property thereof. Safe and convenient off-street parking areas, appropriate to the special land use shall be provided. **Enter and exit off Patterson ave so as not to affect the local nearby more**

“residential” streets. Plenty of sight line in either direction. No pedestrian traffic.

- (8) The period of day and times of the year during which a special land use activity commences or continues shall be reasonably related to both the use and the neighborhood or area in which it is proposed. **We will follow the no holiday rule as well as the time of operation stated in the mining ordinance below.**
- (9) The special land use shall not place demands on public services and facilities in excess of current capacities. **None foreseen.**
- (10) The special land use is in general agreement with the Township’s Master Plan. **The land that is not being mined is to be farmed (current use) and after completed the land will likely be extremely low density housing with large lots which is permitted in the AG districts.**

Section 19.53 Mineral Extraction and Processing

Each mineral extraction and/or processing facility shall conform to the following standards:

- (a) Permits for mineral extraction and processing shall be in the names of both the operator and the landowner (hereinafter, “permit holder”). **Agreed.**
- (b) It shall be the responsibility of the permit holder to use ecological conservation practices for all areas used for excavation. **Agreed. The road and mining area will end up being lower than the small wetlands in the NW corner. We will not be excavating near this area and there will be an earthen berm separating the areas. This ground barrier will be maintained to ensure 0 run off towards the pond. We will also have silt fence on the edge of the pond and wetlands installed. There will be no chance of any of the small natural wetlands being affected.**
- (c) No business or industrial buildings or structures of a permanent nature shall be erected except in the Industrial District. **Agreed – no buildings or structures needed.**
- (d) Before the commencement of any mineral extraction, a 10/47 fence (standard farm-type fence) or six foot chain link fence (or a suitable substitute approved by the Planning Commission) shall be erected around the perimeter of the active extraction and/or processing site and maintained in good condition until extraction and mining operations have been completed. A locked gate shall be provided at all access points from the public road to the extractive operation. Said gates shall be closed and locked at all times except during the permitted hours of operation. **We can erect a gate down to the pit at the entrance but we respectfully request a variance on the fence. Per our site plan we intend to place this required fence along the entire East side of the parcel (near the mining areas) as this is the only area that is near residential. We will ask if Kris Thompson wants something around his land as well. The remaining 3 sides are either road frontage with EXTENSIVE setbacks or other farmland pieces. If the fence is required it will hinder the farming operation that is intended as the**

pit is restored. We will also place "Warning, Mining area. Keep Out" signs on the property lines.

- (e) No excavation shall occur within 100 feet of a road right-of-way. The Planning Commission may allow excavation within this minimum setback area as part of the reclamation process provided no excavation is allowed within 50 feet of any road right-of-way. No excavation shall occur within 200 feet of an off-site residence. No excavation shall be within 100 feet of a property line. The Planning Commission may allow excavation within this minimum setback area as part of the reclamation process provided no excavation is allowed within 25 feet of any property line. The Planning Commission may also allow mineral extraction within the minimum setbacks set forth above if those residents and property owners abutting that portion of the site affected by the minimum setbacks consent in writing. **Agreed and proposed as such.**
- (f) No processing of minerals, including washing, sorting, grating, grading, crushing, etc. shall be conducted within 500 feet of any off-site residence or within 300 feet of any property line. The Planning Commission may permit processing to be located within the set back requirements if, due to environmental or topographical features, such location will create less adverse impact than strict compliance with the set back requirements. **Agreed and achieved. At this time no sorting or washing or crushing is expected to take place on this parcel.**
- (g) Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls and natural planting screens. All equipment shall be maintained and operated in such manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment. **Agreed. This is nothing to be used louder than any farm machinery which is quite prevalent in the area.**
- (h) Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. **Understood and agreed. There will be a paved entrance The main way we will keep dust down is using asphalt millings on the truck paths and watering and or treating the millings as needed**

Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance. Ingress and egress to a public right-of-way shall be paved with asphalt or concrete for a distance of 200 feet from the property line. **Agreed. We will likely pave further in than this to avoid mud and dust and then will sweep the road daily or more to ensure the pavement stays clean.**

- (i) The operation of mineral extraction and processing shall be restricted to the hours of 7 a.m. until 6 p.m. Monday through Friday and 7 a.m. to 12 p.m. on Saturday. No operations shall be conducted on Sundays or legal holidays, or at any time over the Memorial Day or Labor Day weekend, or the Independence Day weekend if July 4 falls on a Monday or Friday. The operation hours, days, seasons or months may be further restricted by the Planning Commission in order to minimize

nuisance impacts on neighbors or for public safety considerations with respect to the use of roads. **Agreed.**

- (j) All truck operations shall be directed away from residential streets, whenever practical. **Agreed. Entrance and exit onto Patterson.**
- (k) In approving the processing area, the Planning Commission may require berms and/or other screening to reduce sound or vibration impact on neighboring properties. **Agreed and proposed in the site plan.**
- (l) Reclamation and rehabilitation of mined areas shall be accomplished progressively as the area is being mined. Exclusive of processing and storage areas, not more than 10 acres of the intended project area may be disturbed at one time. Substantial completion of reclamation and rehabilitation shall be effected within one year after the termination of mining or excavation activity in each area. **Agreed. We will get each section to final grade and topsoil and seed each section before moving to the next.**
- (m) The banks of all excavations shall be sloped to the water line in a water-producing excavation, and to the pit floor in a dry operation at a final slope which shall not be steeper than one foot vertical to four feet horizontal. **Agreed.**
- (n) Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches or other planned improvements are to be completed within a 1-year period. Where used, top soil shall be applied to a minimum depth of 4 inches sufficient to support vegetation. **Agreed.**
- (o) Vegetation similar to that which existed prior to the excavation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion. **Agreed. Any area not farmed will get a cover crop installed immediately after topsoil.**
- (p) Upon cessation of mining operations by abandonment or otherwise, the operation company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located may be retained. **Agreed.**
- (q) No special use permit for mineral extraction or processing shall exceed a term of 2 years. In any request for extension or renewal of a mineral extraction and processing special use permit, the Planning Commission shall take into consideration any violations of restrictions during the preceding period. **Agreed.**
- (r) Inspection fees:

For the purpose of reimbursing the Township for inspections, monitoring, administration and enforcement of this Ordinance with respect to the permit holder, and in view of the relative impossibility of calculating and precisely anticipating amounts to be required for such purpose, the permit holder shall, upon approval of the special use, and prior to commencing operation, make an initial deposit of an amount determined by the Township to be sufficient to provide for the cost of regular and/or extraordinary inspections, monitoring and enforcement, as required,

including reasonable fees for attorneys, engineers and/or other experts, to insure compliance with this Ordinance to the Township. The Township Treasurer shall hold such amount in an interest bearing account for the permit holder for each approved special use. Interest earned will accrue to the account held in the name of the permit holder. Balance of deposited inspections fees with accumulated earned interest shall be returned to applicant after reclamation is completed and approved by the Township Board.

The fee requirement shall be determined on a monthly basis and paid out of said account, and shall be equal to the aggregate of the statements and invoices to the Township for all costs and expenses incurred which are reasonably related to inspections, monitoring, administration and enforcement of this Ordinance.

The fee requirement shall be invoiced to the permit holder on a monthly basis, and shall be paid to the Township within 30 days. Upon receipt, the payment shall be disbursed as follows: the amount equal to the statements and invoices shall be credited to the permit holder's account, to reimburse the amounts paid out, as aforementioned.

The amount on account with the Township in connection with the permit holder shall be maintained at a minimum of the amount determined by the Township to be sufficient to provide for the Township's cost of regular and/or extraordinary inspections, monitoring and enforcement, as required, including reasonable fees for attorneys, engineers and/or other experts, to insure compliance with this ordinance. The permit holder shall be invoiced immediately for the deficiency and such amount shall be paid within 30 days. **Agreed.**

(s) Performance Bond: Insurance

(1) Bond

The mining operation shall not commence until such time as the permit holder has posted with the Township Clerk a performance bond in an amount determined by the Planning Commission, following recommendation of its experts, to be reasonably necessary to ensure reclamation. The bond shall be in the form of cash, an irrevocable letter of credit issued by a banking or savings and loan institution licensed to do business in the State of Michigan, or a corporate surety bond issued by a company licensed for such purposes in the State of Michigan. The conditions of such bonds shall be that, if the permit holder has satisfactorily reclaimed the property being the subject of the special use permit in accordance with the approved reclamation plan, the performance bond shall be returned to the permit holder; otherwise, the Township shall have a right to use the performance bond to the extent necessary to reclaim the property and to cover the costs of enforcing and bringing about compliance with this Ordinance, including reasonable attorney's fees. Irrevocable letters of credit and corporate surety bonds shall be in a form approved by the Township's attorneys.

The performance bond for reclamation shall be in the name of the applicant on the special use permit and, if different, the property owner.

The performance bond shall remain in effect with the Township until the parcel or parcels have been reclaimed, *inspected* and all equipment, machinery, materials, buildings and other operation related improvements removed as required by this Ordinance and/or by the terms of the special use permit.

In the establishment of the amount of the performance bond, the Planning Commission shall take into account the size and scope of the proposed operation, the maximum acreage allowed to be disturbed prior to requiring reclamation, the current and projected costs of reclamation in the event of default by the operator at such time as it is likely to be most costly, and other such conditions and factors as might be relevant in determining a sum reasonable in light of all the facts and circumstances. The Planning Commission, in considering any application to renew the special use permit, may in its discretion, increase or decrease the amount of the performance bond, based upon increased costs, new information, or partial reclamation.

In the event that the permit holder chooses to post cash in lieu of an irrevocable letter of credit or corporate bond, as provided above, such cash may be deposited in an interest bearing account in control of the Township at a bank or savings and loan institution satisfactory to the Township, provided that all sums of deposit shall be readily accessible to the Township in the event of need. Such interest shall accrue for the benefit of the permit holder, or be paid over to the permit holder. **Agreed.**

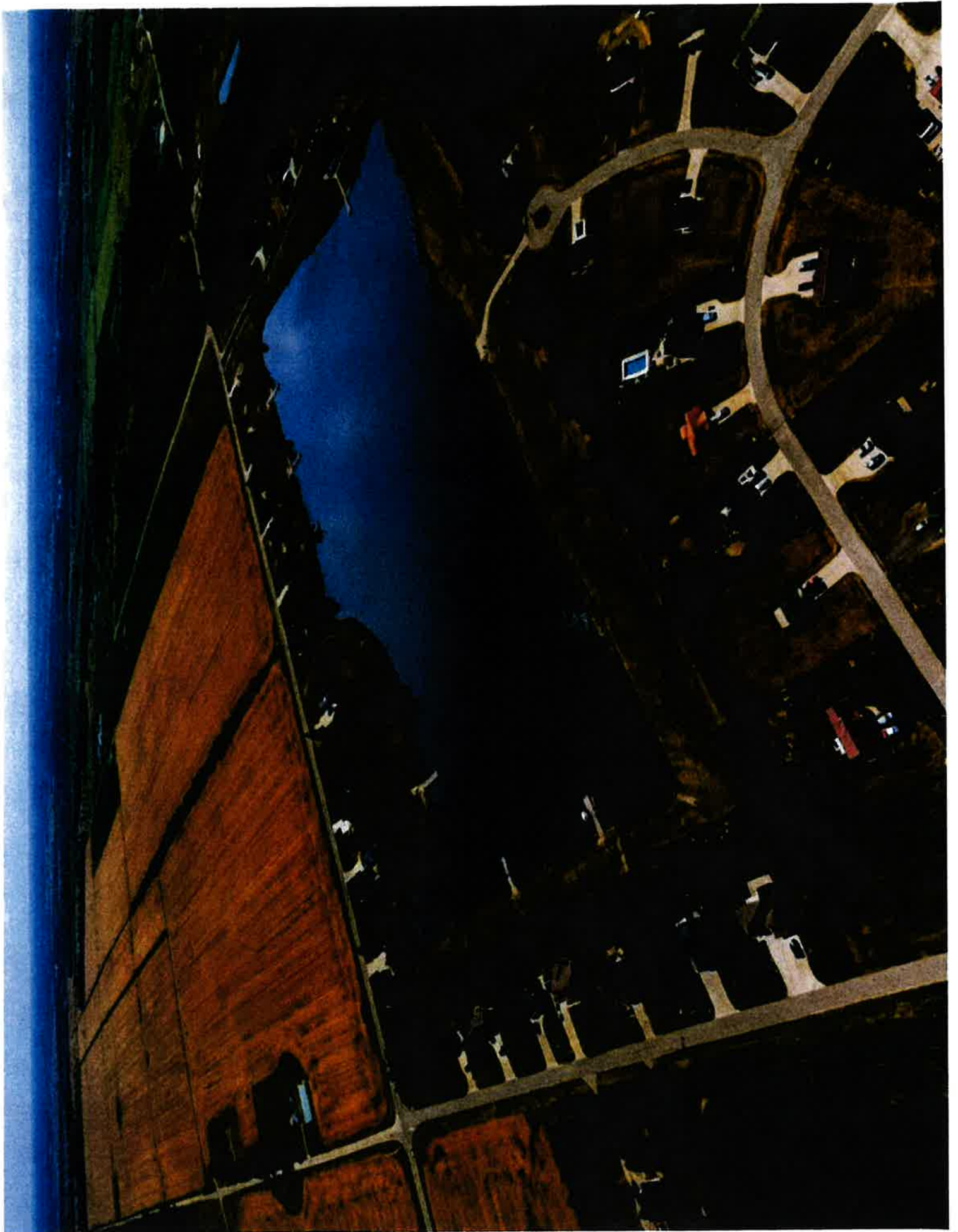
(2) Insurance

Insurance shall be a pre-condition to commencement of operations. Insurance shall be a pre-condition to the right to continue operations. Insurance shall be maintained in full force during the term of special use approval. The permit holder shall provide personal injury and property damage insurance for the project to be carried by an insurance company licensed to do business in the State of Michigan during all times when any reclamation is left to be done, and during all times that any machinery and/or equipment remains on the site, or any structures, equipment or improvements to be removed remain on the site, said insurance to name the Township, its officers and employees as co-insured or additional insured. This insurance shall be carried in amounts no less than one Million Dollars (\$1,000,000.00) for injury and damage to more than one person's property arising out of single occurrence. This insurance shall cover injury or damage occurring upon the site of the operations, as well as injuries or damage occurring upon adjoining property as the result of conditions or activities conducted upon the subject property.

The insurance certificate shall contain a clause stating that, coverage to be the same as dates of the special land use permit. Insurance shall be in the name of the applicant on the special use permit and, if different, the property owner. **Agreed.**

(Sect. 19.53 effective June 1, 2013)







Vriesman
& Korhorn

February 18, 2026
1587

Via Email: pgensterblum@thornapple-twp.org

Phil Gensterblum, Zoning Administrator
Thornapple Township
200 E Main St
Middleville, MI 49333

RE: Special Land Use Application: Patterson Pond Mineral Extraction
Northwest ¼ of Section 18, Thornapple Township

Dear Phil,

We have reviewed the submittal for the proposed mineral extraction from properties owned by Excel Excavating named Patterson Pond. The site plan, revised February 12, 2026 was prepared by Nederveld, Inc. The Site Plan Committee met to review the mining plan on February 10, 2026. A "Site Layout Thru Phase 4" plan that depicts the mine through the 2-year permit cycle, also dated February 12 and received by our office on February 18, is also part of our review. We have the following comments:

1. The proposed drive access to Patterson Avenue must be reviewed by the Barry County Road Commission (BCRC).
 - a. It appears to be a suitable location for sight distance and Patterson Avenue is an established truck route. This will be verified by the BCRC.
 - b. The BCRC will provide dimensional requirements for the proposed drive in the right-of-way. The Planning Commission may provide input to these requirements.
 - c. The site plan should provide proposed grading of the drive down to the active base of the mine.
 - d. The proposed gate, noted in the application, should be shown on the plan.
 - e. Details of the proposed tire wash should be submitted for our review.
 - f. The construction of the driveway will require grading and removal of materials to construct.

2. Proposed berms along the east property line and along Patterson Avenue are included on the site plan. A suggested timeline for berm completion and stabilization is included in the draft permit conditions and should be modified by the Planning Commission as they find suitable. The berms are expected to be constructed with clay overburden and topsoil.

3. Stormwater will be contained within the site and percolated to groundwater when the mine is developed. Soil erosion control measures must be carefully observed during the creation of berms and on completed slope banks.
4. Restoration of bank slopes must be pursued in a timely manner. Our draft conditions suggest that they be restored within two weeks of the completion of active mining adjacent to the slope.
5. Perimeter fencing is proposed and included on the site plan. We recommend that the fencing is in place prior to the commencement of mining.
6. Processing of the mining material will not be performed onsite. The applicant expressed that materials that require processing will be brought to another facility.
7. The storage of materials from offsite will not be permitted. A contractor yard special land use would be required and it is not part of this application.
8. We recommend that a sign be placed with the operator's contact information and hours of operation.
9. The applicant should identify where equipment fueling will occur. Containment must meet state requirements.
10. The plan for the site depicts a proposed pond over 20 acres. The creation of a pond over 5 acres requires a permit from the Michigan Department of Environment, Great Lakes, and Energy (EGLE). The applicant has explained that the pond creation would occur during future permit cycles.
 - a. We recommend that the applicant perform a hydrogeologic study prior to starting on the pond. The study will likely be required by EGLE for their permit.
 - b. The proposed pond water elevation is 795, which matches the approximate groundwater level observed in the soil borings. The grading plan shows a "shelf" of 1:7 slope 3 feet above and below (42' total) at the water's edge.
 - c. The hydrogeological study may find that the proposed pond will have adverse impacts and / or EGLE may determine during their review that a pond created in this location will not be permitted. The Planning Commission should be aware that this is a possibility.
 - d. The proposed mining during the currently requested 2-year permit cycle will establish a mine floor at elevation 805, providing a buffer to the groundwater level until the EGLE permit is issued. The Site Layout Thru Phase 4 depicts the mine through that permit cycle.
 - e. In light of these considerations, the 2-year permit issue does not include the creation of a pond and the application should be considered accordingly.
11. We recommend a bond amount of \$6000 per acre. This amount could be limited to the approximately 20 acres that will be impacted during the 2-year cycle.

Phil Gensterblum
February 18, 2026
Page 3

Thank you for your consideration in this matter. If you have any questions or concerns, please do not hesitate to call.

Sincerely,

VK Civil

A handwritten signature in blue ink, appearing to read "Todd Boerman", with a long horizontal flourish extending to the right.

Todd Boerman, PE

TMB/avp

- c. Tom Kilgore, Chair of the Thornapple Township Planning Commission
Carson Galloway, Applicant

2026 PERMIT CONDITIONS – PATTERSON POND

1. *Operations for mineral extraction must be in strict compliance of Section 19.53 of the Zoning Ordinance.*
2. *Perimeter fencing and locked gated entrance must be in place upon mining commencement. Gate must be locked when mine is not in operation.*
3. *A plan indicating proposed driveway grading must be submitted to the Township engineer for review and approval.*
4. *The proposed driveway and tire wash must be constructed and paved within two months of the commencement of mining. Mining prior to driveway completion must be limited to mining necessary to construct the proposed driveway and a truck turn-around at the base of the driveway.*
5. *The proposed perimeter berm must be constructed and stabilized within one month of mining commencement.*
6. *Processing of the mining material will not be performed onsite.*
7. *A sign must be placed with the operator's contact information and hours of operation. The sign must be reviewed and approved by the Township Zoning Administrator.*
8. *No topsoil shall be removed from the site. This requirement may be reconsidered in future permit cycles if the creation of a pond alleviates the need for stored topsoil.*
9. *Mined slopes shall be established with vegetation within 2 weeks of the completion of mining of the bank.*
10. *Soil erosion control and sedimentation control measures, such as silt fence, must remain in place until all material up gradient of measure is stabilized with vegetation.*
11. *All operations associated with the mineral extraction shall be in strict conformance with the approved site plan materials dated February 12, 2026.*
12. *The mining floor must have a minimum elevation of 805.0 ft for the duration of this permit.*
13. *Substantial completion of the reclamation shall be completed within one year of termination of mining or excavation activity in each area per Section 19.53(1).*
14. *No express or implied approval of an end use or permanent use of the subject property is given by the Planning Commission or any agent of Thornapple Township. Any permanent use of the property will be subject to provisions of the township Zoning Ordinance then in effect.*
15. *A reclamation bond for the property shall be in the amount of \$6,000 per acre through the term of this permit renewal and after for a period of 180 days according to the terms specified in Section 19.53(s)(1).*
16. *Liability insurance through the term of the permit in the amounts and terms specified in Section 19.53(s)(2).*
17. *The applicant must maintain a minimum escrow amount of \$3,750.00 for inspection fees according to Section 19.53(r) of the zoning Ordinance. Regular inspections will be made to assure:*
 - a. *Protection of the wetlands*
 - b. *Prevention of soil erosion*
 - c. *Verify elevations and compliance of reclaimed areas*
 - d. *Verify progressive reclamation*
 - e. *Verify general compliance of the Zoning Ordinance and permit conditions*

mining review guidance

From Todd Boerman <todd@vkcivil.com>
Date Wed 2/18/2026 12:23 PM
To tom@thomaskilgore.com <tom@thomaskilgore.com>; Phil Gensterblum <PGensterblum@thornapple-twp.org>

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Quick reminder of the “Very Serious Consequences” guidelines for the denial of a permit. The legislation language is found here:

<https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-125-3205>

We had Jeff Sluggett advise and attend on the Dykema application. I pulled up what I could find from his guidance – see below. It isn’t particularly helpful, but listing the very serious consequences should be part of any denial. I’m not suggesting it should or shouldn’t be denied. Consequences will come from the public rather than anything in my engineering review, I think.

Todd Boerman, P.E.
VK Civil
c. (616) 419-7735
o. (616) 277-2185
www.VKcivil.com

From: Jeff V.H. Sluggett <jeff@bloomsluggett.com>
Sent: Saturday, March 25, 2023 11:01 AM
To: 'Tom Kilgore' <tom@thomaskilgore.com>
Cc: Eric Schaefer <eschaefer@thornapple-twp.org>; Todd Boerman <todd@vkcivil.com>; Nathan Mehmed (mehmed@williams-works.com) <mehmed@williams-works.com>
Subject: Payne Lake/Privileged

Welcome back 😊 ..

Based on the packet Nathan sent out and given the inability of the parties to work out the easement, I think the PC will have two principal options Monday night:

- Adopt a motion to amend the tentative approval from the last meeting to instead deny the request due to the failure of the applicant to obtain an easement to access Patterson and the resulting safety and maintenance issues in utilizing Payne Lake Road. In the event this alternative is pursued it will be critical that the PC identify, based on the record before it thus far, what very serious consequences will result by approving the special land use (as many as it can reasonably identify).

- Adopt a motion to conditionally approve the special land use, site plan and findings based on the record at the various meetings and hearings at which this matter have been presented and based upon finding that as reflected in that record, the zoning ordinance standards for the special land use and site plan have been met and that no very serious consequences as set out by Michigan law are anticipated to result. The approval will be conditioned upon:
 - Submission of a revised site plan reflective of the Township Engineer and Planner's comments, memoranda, and submittals to the PC.
 - (Todd did a really nice job outlining proposed conditions so would rely on his memoranda) So compliance with all conditions as set out in the Township Engineer's memorandum to the Planning Commissioners dated March 23, 2023 as well as the Township Engineer's memorandum to the Township Planner of the same date with the further requirement that the applicant/owner will be responsible for all costs of improvements identified in those memoranda.
 - In addition the following conditions
-

Glad to discuss ahead of your meeting if desired.

Thanks.

Jeffrey VH Sluggett
Bloom Sluggett, PC
161 Ottawa Ave. NW, Suite 400
Grand Rapids, MI 49503
jeff@bloomsluggett.com
Main Office: 616.965.9340
Direct Line: 616.965.9341

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MICHIGAN LEGISLATURE

Michigan Compiled Laws Complete Through PA 2 of 2026

Senate adjourned until Thursday, February 19, 2026 10:00 AM

House adjourned until Wednesday, February 18, 2026 1:30 PM

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MCL - Section 125.3205

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[110-2006-II](#)

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MICHIGAN ZONING ENABLING ACT (EXCERPT)

Act 110 of 2006

125.3205 Zoning ordinance subject to certain acts; regulation or control of oil or gas wells; prohibition; extraction of valuable natural resource; challenge to zoning decision; serious consequences resulting from extraction; factors; regulations not limited.

Sec. 205.

(1) A zoning ordinance is subject to all of the following:

(a) The electric transmission line certification act, 1995 PA 30, MCL 460.561 to 460.575.

(b) The regional transit authority act, 2012 PA 387, MCL 124.541 to 124.558.

(c) The small wireless communications facilities deployment act, 2018 PA 365, MCL 460.1301 to 460.1339.

(d) Part 8 of the clean and renewable energy and energy waste reduction act, 2008 PA 295, MCL 460.1221 to 460.1232.

(2) A county or township shall not regulate or control the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes and does not have jurisdiction with reference to the issuance of permits for the location, drilling, completion, operation, or abandonment of such wells.

(3) An ordinance shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources. Natural resources shall be considered valuable for the purposes of this section if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.

(4) A person challenging a zoning decision under subsection (3) has the initial burden of showing that there are valuable natural resources located on the relevant property, that there is a need for the natural resources by the person or in the market served by the person, and that no very serious consequences would result from the extraction, by mining, of the natural resources.

(5) In determining under this section whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in *Silva v Ada Township*, 416 Mich 153 (1982), shall be applied and all of the following factors may be considered, if applicable:

(a) The relationship of extraction and associated activities with existing land uses.

(b) The impact on existing land uses in the vicinity of the property.

(c) The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.

(d) The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.

(e) The impact on other identifiable health, safety, and welfare interests in the local unit of government.

(f) The overall public interest in the extraction of the specific natural resources on the property.

(6) Subsections (3) to (5) do not limit a local unit of government's reasonable regulation of hours of operation, blasting hours, noise levels, dust control measures, and traffic, not preempted by part 632 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.63201 to 324.63223. However, such regulation shall be reasonable in accommodating customary mining operations.

(7) A renewable energy project that received special land use approval under section 502 on or after January 1, 2021 is considered to be a prior nonconforming use and the special land use approval shall not be revoked or modified if substantial construction has occurred or if an expenditure equal to 10% of the project construction costs or \$10,000.00, whichever is less, has been made.

(8) This act does not limit state regulatory authority under other statutes or rules.

History: 2006, Act 110, Eff. July 1, 2006 ;-- Am. 2011, Act 113, Imd. Eff. July 20, 2011 ;-- Am. 2012, Act 389, Eff. Mar. 28, 2013 ;-- Am. 2018, Act 366, Eff. Mar. 12, 2019 ;-- Am. 2023, Act 234, Eff. Feb. 13, 2024

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DRAFT
(April 8, 2026) – Ver. 4 (C. Bloom)

**THORNAPPLE TOWNSHIP PLANNING COMMISSION
BARRY COUNTY, MICHIGAN
(Resolution No. 2026-_____)**

At a regular meeting of the Planning Commission for Thornapple Township held at the Township offices on _____, 2026, beginning at 7:00 p.m., the following motion to adopt this Resolution was made by Planning Commission Member _____ and was seconded by Planning Commission Member _____:

**A RESOLUTION BY THE THORNAPPLE TOWNSHIP
PLANNING COMMISSION APPROVING THE APPLICATION
FOR A MINE BY CARSON GALLOWAY FOR A SPECIAL
LAND USE REQUEST, SITE PLAN AND RECLAMATION
PLAN APPROVALS FOR PROPERTY LOCATED ON
PATTERSON ROAD AND ALSO KNOWN AS PERMANENT
PARCEL NO. 14-018-005-00.**

1. Factual Background

The property involved is located within Thornapple Township (the “Township”) at the northeast corner of Patterson Road and Gackler Road and also known as Permanent Parcel No. 14-018-005-00 (the “Parcel”). The Parcel is legally described on page ___ of this document. The Parcel is approximately 76.70 acres in size.

The Parcel is owned by Excel Excavation with Mr. Carson Galloway as the agent. Mr. Galloway is the applicant for the zoning approval for a mining operation on the Parcel (the “Applicant”).

The Parcel is located within the A-Agricultural zoning district pursuant to the Thornapple Township Zoning Ordinance (the “Zoning Ordinance”). Mining is allowed only with special land use approval by the Thornapple Township Planning Commission (the “Planning Commission”) under Sections 19.3 and 19.53 of the Zoning Ordinance. The Parcel is designated on the future

land use plan for the Thornapple Township Master Plan (the “Master Plan”) as mostly prime farmland/agriculture.

The Applicant desires to mine sand from the Parcel. Ultimately, after the mining has been completed and reclamation occurs, the Applicant proposes that a residential housing development be developed on the mined-out Parcel along with an artificial lake or pond thereon. That future development would require a new zoning approval pursuant to whichever future zoning regulations are then in effect for the Township.

The owners of various adjoining and nearby properties oppose the mining operation. They are concerned about potential negative impacts caused by the mining operation, including noise, dust, heavy truck and vehicle traffic, the health of area residents and impacts on area property values.

The Parcel is currently being used for raising farm crops.

2. The General Zoning Regulations Involved.

Given that the Property is located within the A-Agricultural zoning district, Subsection 3.3 of the Zoning Ordinance allows mining operations with special land use and site plan approval.

The general special land use standards are found in Section 19.3 of the Zoning Ordinance. Specialized standards and requirements for mining operations approved as a special land use are located in Section 19.53 of the Zoning Ordinance.

Finally, the process and requirements for site plan review and approval are found in Article XX of the Zoning Ordinance.

This Resolution will constitute the Planning Commission’s decision regarding the special land use and the site plan and reclamation plan requests by the Applicant.

3. The Process.

Under the Zoning Ordinance, special land use decisions are made by the Planning Commission. Altogether, the Planning Commission has held ___ different meetings regarding this mining application. The chronology of those meetings is as follows:

February 11, 2026	Preliminary/first review of the mining proposal by the Site Plan Committee.
February 23, 2026	The public hearing by the Planning Commission.
April __, 2026	The Planning Commission _____.

4. The “Very Serious Consequences Test.”

The Township Attorney has advised Township officials regarding the “Very Serious Consequences Test” and mining in Michigan. More specifically, the very serious consequences test is found in MCL 125.3205 and states:

(3) An ordinance shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources. Natural resources shall be considered valuable for the purposes of this section if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.

(4) A person challenging a zoning decision under subsection (3) has the initial burden of showing that there are valuable natural resources located on the relevant property, that there is a need for the natural resources by the person or in the market served by the person, and that no very serious consequences would result from the extraction, by mining, of the natural resources.

(5) In determining under this section whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in *Silva v Ada Township*, 416 Mich 153 (1982), shall be applied and all of the following factors may be considered, if applicable:

(a) The relationship of extraction and associated activities with existing land uses.

(b) The impact on existing land uses in the vicinity of the property.

(c) The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.

(d) The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.

(e) The impact on the other identifiable health, safety, and welfare interest in the local unit of government.

(f) The overall public interest in the extraction of the specific natural resources on the property.

(6) Subsections (3) to (5) do not limit a local unit of government's reasonable regulation of hours of operation, blasting hours, noise levels, dust control measures, and traffic, not preempted by part 632 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.63201 to 324.63223. However, such regulation shall be reasonable in accommodating customary mining operations.

It is important to note that a request for a new or expanded mining operation in Michigan can only be denied by the municipality involved if its approval will result in "very serious consequences." The test is not whether the mining operation would result in merely serious consequences. That alone would be a high burden on any neighbor attempting to have a municipality deny a mining request or upon the municipality itself if the municipality were inclined to deny the mining application. Instead, the Michigan Legislature added the word "very" in front of the "serious consequences" language which results in two meanings. First, a mining operation request can be denied only if extraordinarily negative impacts will occur. Second and furthermore, the burden on either an opposing neighbor or municipality to deny a mining application is that much higher and heavier.

In some cases, only with the imposition of one or more conditions will the mining operation involved avoid very serious consequences. In this case, the Planning Commission finds that "but

for” the conditions and requirements imposed by this document, the mining operation would likely result in very serious consequences due to noise, dust, truck traffic, truck routes, negative impacts on area property values and/or negative health impacts on area residents.

5. General Findings.

As discussed below in detail, the Planning Commission finds that all of the special land use and site plan standards of the Zoning Ordinance will be met so long as the mining operation complies with all of the conditions contained in Section 7 of this document.

6. The Applicable Standards in the Zoning Ordinance.

The Planning Commission makes the following specific findings as to the proposed mining operation with the conditions imposed by this document:

(a) The General Special Land use Standards found in Section 19.3 of the Zoning Ordinance:

- (1) The special land use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property.

Findings – So long as the special land use occurs and is operated in compliance with all the conditions and restrictions contained in this Resolution, it will be harmonious with the character of adjacent properties. The character of adjacent and nearby properties is for farm and agricultural operations, as well as for fairly low density single-family residential use. If the mining operation would have involved gravel and/or the processing, crushing, mixing, etc. of aggregate, this standard may not have been met due to noise, dust, negative impacts upon area property values, etc. In addition, the “end use” (i.e. the development of a large pond or lake with single family dwellings developed around it) would be consistent and harmonious with adjoining properties and the general neighborhood.

- (2) The special land use shall not impair the essential character of the surrounding area.

Findings – This finding will be met based upon the findings of Subsection (a)(1), which is incorporated herein.

- (3) The special land use shall not create serious nuisance nor be hazardous to the adjacent property or involve uses, activities, materials, or equipment which will be detrimental to the public health, safety and general welfare.

Findings – Absent the conditions and requirements contained in this Resolution, the mining operation could cause serious nuisances, be hazardous to the adjacent properties and/or involve uses, activities, materials or equipment which could be detrimental to the public health, safety and general welfare. Given that there will be no gravel mined or extracted and that no crushing, mixing, etc. of aggregate will occur, any nuisances, hazardous and/or detrimental impacts should be eliminated or minimized. The findings of Subsections (a)(1) and (2) above, are also incorporated herein.

- (4) The special land use shall not have a substantial adverse effect on storm water drainage; street capacity and volume of traffic; traffic safety and vehicle circulation; sanitary sewage disposal and water supply; or other adverse effects.

Findings – Based upon the site plan, reclamation plan and representations of the property owner, the storm drainage will likely improve including holding more of the water on the property. Traffic to and from the site will likely be minimal. Furthermore, any traffic to or from the site can only use Patterson Road, which is a Class A county public road. Apart from the single-family residential development end use, the mining operation will involve no sanitary sewage disposal or any water supply apart from limited water used on site during the mining operations. The sight/viewing distance from the one exit/entrance onto the site allows a fairly long sight distance. Finally, adverse effects will be minimized due to the conditions and requirements contained in this Resolution.

- (5) The special land use shall not have a substantial adverse effect on the need and extent of law enforcement and fire protection services, or other public safety and emergency services.

Findings – In general, any impacts upon law enforcement, fire protection services or other public safety and emergency services should be minimal, if not existent. The applicant must work with the Fire Department to ensure easy and ready access to the site should there be a fire, someone is in the pond or lake with swimming problems or similar emergency.

- (6) The special land use shall not have a substantial negative impact on the natural resources and natural features.

Findings – Although the topography of the property will be altered significantly by the mining operation and eventual reclamation, the proposed residential “end use,” revised or altered topography and natural resources and natural features should be similar in desirability to existing farmland if not superior. One of the requirements of this Resolution is that the ground water and natural water table in the area will not be adversely affected by either the mining operation or the eventual pond/lake. EGLE should help ensure that there will be no substantial impacts resulting from either the mining operation or the eventual pond/lake.

- (7) Vehicular and pedestrian traffic circulation shall be designed to minimize conflicts on public streets and upon the property thereof. Safe and convenient off-street parking areas, appropriate to the special land use shall be provided.

Findings – Pedestrian traffic should be minimal or even nonexistent. With regard to vehicular traffic, there will be no off-street parking areas. Furthermore, there will be only one entrance/exist for the property involving Patterson Road, which has a fairly long clear site distance onto the road. Trucks and other vehicles coming to or going from the property must use Patterson Road to access the property.

- (8) The period of day and times of the year during which a special land use activity commences or continues shall be reasonably related to both the use and the neighborhood or area in which it is proposed.

Findings – The mining operations must follow the allowed dates and times specified in this Resolution.

- (9) The special land use shall not place demands on public services and facilities in excess of current capacities.

Findings – It is anticipated that the demands on public services and facilities will be minimal due to the mining operation. In fact, the mining operation’s demands on public services and facilities will likely be less than those of a conventional single-family residential development.

- (10) The special land use is in general agreement with the Township’s Master Plan.

Findings – This standard will be met.

- (b) The Specialized Special Land Use Standards found in Section 19.53 of the Zoning Ordinance:

The Planning Commission makes the following findings:

- (1) Permits for mineral extraction and processing shall be in the names of both the operator and the landowner (hereinafter, "permit holder").

Findings – The applicant/property owner shall be responsible for complying with these requirements. To the extent that other conditions or requirements within this Resolution are stricter than this paragraph, the stricter requirement or condition shall apply.

- (2) It shall be the responsibility of the permit holder to use ecological conservation practices for all areas used for excavation.

Findings - The applicant/property owner shall be responsible for complying with these requirements. To the extent that other conditions or requirements within this Resolution are stricter than this paragraph, the stricter requirement or condition shall apply.

- (3) No business or industrial buildings or structures of a permanent nature shall be erected except in the Industrial District.

Findings – This standard is not applicable in this case.

- (4) Before the commencement of any mineral extraction, a 10/47 fence (standard farm-type fence) or six foot chain link fence (or a suitable substitute approved by the Planning Commission) shall be erected around the perimeter of the active extraction and/or processing site and maintained in good condition until extraction and mining operations have been completed. A locked gate shall be provided at all access points from the public road to the extractive operation. Said gates shall be closed and locked at all times except during the permitted hours of operation.

Findings - The applicant/property owner shall be responsible for complying with these requirements. To the extent that other conditions or requirements within this Resolution are stricter than this paragraph, the stricter requirement or condition shall apply.

- (5) No excavation shall occur within 100 feet of a road right-of-way. The Planning Commission may allow excavation within this minimum setback area as part of the reclamation process provided no excavation is allowed within 50 feet of any road right-of-way. No excavation shall occur within 200 feet of an off-site residence. No excavation shall be within 100 feet of a property line. The Planning Commission may allow excavation within this minimum setback area as part of the reclamation process provided no excavation is allowed within 25 feet of any property line. The Planning Commission may also allow mineral extraction within the minimum setbacks set forth above if those residents and property owners abutting that portion of the site affected by the minimum setbacks consent in writing.

Findings - The applicant/property owner shall be responsible for complying with these requirements. To the extent that other conditions or requirements within this Resolution are stricter than this paragraph, the stricter requirement or condition shall apply.

- (6) No processing of minerals, including washing, sorting, grating, grading, crushing, etc. shall be conducted within 500 feet of any off-site residence or within 300 feet of any property line. The Planning Commission may permit processing to be located within the set back requirements if, due to environmental or topographical features, such location will create less adverse impact than strict compliance with the set back requirements.

Findings - No processing shall occur on the Parcel.

- (7) Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls and natural planting screens. All equipment shall be maintained and operated in such manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.

Findings - The applicant/property owner shall be responsible for complying with these requirements. To the extent that other conditions or requirements within this Resolution are stricter than this paragraph, the stricter requirement or condition shall apply.

- (8) Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners.

Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance. Ingress and egress to a public right-of-way shall be paved with asphalt or concrete for a distance of 200 feet from the property line.

Findings - The applicant/property owner shall be responsible for complying with these requirements. To the extent that other conditions or requirements within this Resolution are stricter than this paragraph, the stricter requirement or condition shall apply.

- (9) The operation of mineral extraction and processing shall be restricted to the hours of 7 a.m. until 6 p.m. Monday through Friday and 7 a.m. to 12 p.m. on Saturday. No operations shall be conducted on Sundays or legal holidays, or at any time over the Memorial Day or Labor Day weekend, or the Independence Day weekend if July 4 falls on a Monday or Friday. The operation hours, days, seasons or months may be further restricted by the Planning Commission in

order to minimize nuisance impacts on neighbors or for public safety considerations with respect to the use of roads.

Findings - The applicant/property owner shall be responsible for complying with these requirements. To the extent that other conditions or requirements within this Resolution are stricter than this paragraph, the stricter requirement or condition shall apply.

- (10) All truck operations shall be directed away from residential streets, whenever practical.

Findings - The applicant/property owner shall be responsible for complying with these requirements. To the extent that other conditions or requirements within this Resolution are stricter than this paragraph, the stricter requirement or condition shall apply.

- (11) In approving the processing area, the Planning Commission may require berms and/or other screening to reduce sound or vibration impact on neighboring properties.

Findings - The applicant/property owner shall be responsible for complying with these requirements. To the extent that other conditions or requirements within this Resolution are stricter than this paragraph, the stricter requirement or condition shall apply.

- (12) Reclamation and rehabilitation of mined areas shall be accomplished progressively as the area is being mined. Exclusive of processing and storage areas, not more than 10 acres of the intended project area may be disturbed at one time. Substantial completion of reclamation and rehabilitation shall be effected within one year after the termination of mining or excavation activity in each area.

Findings - The applicant/property owner shall be responsible for complying with these requirements. To the extent that other conditions or requirements within this Resolution are stricter than this paragraph, the stricter requirement or condition shall apply.

- (13) The banks of all excavations shall be sloped to the water line in a water-producing excavation, and to the pit floor in a dry operation at a final slope which shall not be steeper than one foot vertical to four feet horizontal.

Findings - The applicant/property owner shall be responsible for complying with these requirements. To the extent that other conditions or requirements within this Resolution are stricter than this paragraph, the stricter requirement or condition shall apply.

- (14) Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches

or other planned improvements are to be completed within a 1-year period. Where used, top soil shall be applied to a minimum depth of 4 inches sufficient to support vegetation.

Findings - The applicant/property owner shall be responsible for complying with these requirements. To the extent that other conditions or requirements within this Resolution are stricter than this paragraph, the stricter requirement or condition shall apply.

- (15) Vegetation similar to that which existed prior to the excavation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.

Findings - The applicant/property owner shall be responsible for complying with these requirements. To the extent that other conditions or requirements within this Resolution are stricter than this paragraph, the stricter requirement or condition shall apply.

- (16) Upon cessation of mining operations by abandonment or otherwise, the operation company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located may be retained.

Findings - The applicant/property owner shall be responsible for complying with these requirements. To the extent that other conditions or requirements within this Resolution are stricter than this paragraph, the stricter requirement or condition shall apply.

- (17) No special use permit for mineral extraction or processing shall exceed a term of 2 years. In any request for extension or renewal of a mineral extraction and processing special use permit, the Planning Commission shall take into consideration any violations of restrictions during the preceding period.

Findings - The applicant/property owner shall be responsible for complying with these requirements. To the extent that other conditions or requirements within this Resolution are stricter than this paragraph, the stricter requirement or condition shall apply.

- (18) Inspection fees.

For the purpose of reimbursing the Township for inspections, monitoring, administration and enforcement of this Ordinance with respect to the permit holder, and in view of the relative impossibility of calculating and precisely anticipating amounts to be required for such purpose, the permit holder shall,

upon approval of the special use, and prior to commencing operation, make an initial deposit of an amount determined by the Township to be sufficient to provide for the cost of regular and/or extraordinary inspections, monitoring and enforcement, as required, including reasonable fees for attorneys, engineers and/or other experts, to insure compliance with this Ordinance to the Township. The Township Treasurer shall hold such amount in an interest bearing account for the permit holder for each approved special use. Interest earned will accrue to the account held in the name of the permit holder. Balance of deposited inspections fees with accumulated earned interest shall be returned to applicant after reclamation is completed and approved by the Township Board.

The fee requirement shall be determined on a monthly basis and paid out of said account, and shall be equal to the aggregate of the statements and invoices to the Township for all costs and expenses incurred which are reasonably related to inspections, monitoring, administration and enforcement of this Ordinance.

The fee requirement shall be invoiced to the permit holder on a monthly basis, and shall be paid to the Township within 30 days. Upon receipt, the payment shall be disbursed as follows: the amount equal to the statements and invoices shall be credited to the permit holder's account, to reimburse the amounts paid out, as aforementioned.

The amount on account with the Township in connection with the permit holder shall be maintained at a minimum of the amount determined by the Township to be sufficient to provide for the Township's cost of regular and/or extraordinary inspections, monitoring and enforcement, as required, including reasonable fees for attorneys, engineers and/or other experts, to ensure compliance with this ordinance. The permit holder shall be invoiced immediately for the deficiency and such amount shall be paid within 30 days.

Findings – The applicant/property owner shall be responsible for complying with these requirements. To the extent that other conditions or requirements within this Resolution are stricter than this paragraph, the stricter requirement or condition shall apply.

(19) Performance Bond: Insurance

- Bond

The mining operation shall not commence until such time as the permit holder has posted with the Township Clerk a performance bond in an amount determined by the Planning Commission, following recommendation of its experts, to be reasonably necessary to ensure reclamation. The bond shall be in the form of cash, an irrevocable letter of credit issued by a banking or savings and loan institution licensed to do business in the State of Michigan, or a corporate surety bond issued by a company licensed for such purposes in the State of Michigan. The

conditions of such bonds shall be that, if the permit holder has satisfactorily reclaimed the property being the subject of the special use permit in accordance with the approved reclamation plan, the performance bond shall be returned to the permit holder; otherwise, the Township shall have a right to use the performance bond to the extent necessary to reclaim the property and to cover the costs of enforcing and bringing about compliance with this Ordinance, including reasonable attorney's fees. Irrevocable letters of credit and corporate surety bonds shall be in a form approved by the Township's attorneys.

The performance bond for reclamation shall be in the name of the applicant on the special use permit and, if different, the property owner. The performance bond shall remain in effect with the Township until the parcel or parcels have been reclaimed, *inspected* and all equipment, machinery, materials, buildings and other operation related improvements removed as required by this Ordinance and/or by the terms of the special use permit.

In the establishment of the amount of the performance bond, the Planning Commission shall take into account the size and scope of the proposed operation, the maximum acreage allowed to be disturbed prior to requiring reclamation, the current and projected costs of reclamation in the event of default by the operator at such time as it is likely to be most costly, and other such conditions and factors as might be relevant in determining a sum reasonable in light of all the facts and circumstances. The Planning Commission, in considering any application to renew the special use permit, may in its discretion, increase or decrease the amount of the performance bond, based upon increased costs, new information, or partial reclamation.

In the event that the permit holder chooses to post cash in lieu of an irrevocable letter of credit or corporate bond, as provided above, such cash may be deposited in an interest bearing account in control of the Township at a bank or savings and loan institution satisfactory to the Township, provided that all sums of deposit shall be readily accessible to the Township in the event of need. Such interest shall accrue for the benefit of the permit holder, or be paid over to the permit holder.

- Insurance

Insurance shall be a pre-condition to commencement of operations. Insurance shall be a pre-condition to the right to continue operations. Insurance shall be maintained in full force during the term of special use approval. The permit holder shall provide personal injury and property damage insurance for the project to be carried by an insurance company licensed to do business in the State of Michigan during all times when any reclamation is left to be done, and during all times that any machinery and/or equipment remains on the site, or any structures, equipment or improvements to be removed remain on the site, said insurance to name the

Township, its officers and employees as co-insured or additional insured. This insurance shall be carried in amounts no less than one Million Dollars (\$1,000,000.00) for injury and damage to more than one person's property arising out of single occurrence. This insurance shall cover injury or damage occurring upon the site of the operations, as well as injuries or damage occurring upon adjoining property as the result of conditions or activities conducted upon the subject property.

The insurance certificate shall contain a clause stating that coverage shall be maintained for the same as the dates of the special land use permit. Insurance shall be in the name of the applicant on the special use permit and, if different, the property owner.

Findings - The applicant/property owner shall be responsible for complying with these requirements. To the extent that other conditions or requirements within this Resolution are stricter than this paragraph, the stricter requirement or condition shall apply.

- (c) The Site Plan Standards of Section 20.6 of the Zoning Ordinance.

The Planning Commission finds:

- (1) *Basic elements of the site.* All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and nature of the land parcel, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance. The site plan shall comply in all respects with applicable provisions of this Ordinance, including, but not limited to, the minimum provisions of the zoning district and any applicable overlay district and all generally-applicable provisions of the zoning ordinance.

Findings – The Planning Commission finds that the approved site plan meets the requirements of these standards. The site plan must also comply in all aspects with the applicable provisions of the Zoning Ordinance and this Resolution. To the extent that it does not, the stricter applicable requirements of the Zoning Ordinance or this Resolution shall apply.

- (2) *Buildings and Structures.* Building and structures shall be located and arranged in compliance with zone district requirements and other applicable provisions of this Ordinance.

Findings – The Zoning Administrator is satisfied that the requirements of the zoning district involved and other applicable provisions of this Ordinance regarding buildings and structures will be met. However, in general, there will be no buildings on the property for the mining operation, although the “end use” will involve the development of a single-family residential development.

- (3) *Traffic Circulation.* The number, location and size of access and entry points, and internal traffic and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site and circulation within the site.

Findings - The Planning Commission finds that the approved site plan meets the requirements of these standards. The site plan must also comply in all aspects with the applicable provisions of the Zoning Ordinance and this Resolution. To the extent that it does not, the stricter applicable requirements of the Zoning Ordinance or this Resolution shall apply.

- In reviewing traffic circulation features, the Planning Commission shall consider spacing and alignment with existing and probable future access points on nearby properties, and may require that provision be made for shared access with adjacent properties.

Findings - The Planning Commission finds that the approved site plan meets the requirements of these standards. The site plan must also comply in all aspects with the applicable provisions of the Zoning Ordinance and this Resolution. To the extent that it does not, the stricter applicable requirements of the Zoning Ordinance or this Resolution shall apply.

- Site plans shall fully conform to the driveway and traffic safety standards of the road agency with jurisdiction. Private streets are not allowed unless expressly approved by the Planning Commission.

Findings - The Planning Commission finds that the approved site plan meets the requirements of these standards. The site plan must also comply in all aspects with the applicable provisions of the Zoning Ordinance and this Resolution. To the extent that it does not, the stricter applicable requirements of the Zoning Ordinance or this Resolution shall apply.

- In its approval of a site plan, the Planning Commission will require the providing of sidewalks or other measures for pedestrian circulation.

Findings – Not applicable.

- (4) *Storm Water Drainage.* Storm water detention and drainage systems shall be designed so that the removal of surface waters will not adversely affect the subject property, adjacent or nearby properties or public storm water drainage systems. The plan shall show compliance with best storm water management practices.

Findings - The Planning Commission finds that the approved site plan meets the requirements of these standards. The site plan must also comply in all aspects with the applicable provisions of the Zoning Ordinance and this Resolution. To the extent that it does not, the stricter applicable requirements of the Zoning Ordinance or this Resolution shall apply.

- (5) *Landscaping.* The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal. Grade changes shall be in keeping with the general appearance of adjacent developed areas. The site plan shall comply with the landscaping requirements of Article XXV of this Ordinance.

Findings - The Planning Commission finds that the approved site plan meets the requirements of these standards. The site plan must also comply in all aspects with the applicable provisions of the Zoning Ordinance and this Resolution. To the extent that it does not, the stricter applicable requirements of the Zoning Ordinance or this Resolution shall apply.

- (6) *Screening.* Where commercial or industrial uses abut residential uses, or where more intensive residential uses abut less intensive residential uses, appropriate screening consisting of attractively designed fencing or screening, or equivalent landscaping, shall be provided so as to shield residential properties from the effects and view of commercial or industrial uses.

Findings - The Planning Commission finds that the approved site plan meets the requirements of these standards. The site plan must also comply in all aspects with the applicable provisions of the Zoning Ordinance and this Resolution. To the extent that it does not, the stricter applicable requirements of the Zoning Ordinance or this Resolution shall apply.

- (7) *Lighting.* Outdoor lighting shall be designed so as to minimize glare on adjacent properties and streets, and shall otherwise be designed, installed and operated in compliance with outdoor lighting requirements of this Ordinance.

Findings - The Planning Commission finds that the approved site plan meets the requirements of these standards. The site plan must also comply in all aspects with the applicable provisions of the Zoning Ordinance and this Resolution. To the extent that it does not, the stricter applicable requirements of the Zoning Ordinance or this Resolution shall apply.

- (8) *Exterior Uses.* Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located so as to have no serious adverse effects on adjacent or nearby properties, and shall be screened as required by the Planning Commission.

Findings - The Planning Commission finds that the approved site plan meets the requirements of these standards. The site plan must also comply in all aspects with the applicable provisions of the Zoning Ordinance and this Resolution. To the extent that it does not, the stricter applicable requirements of the Zoning Ordinance or this Resolution shall apply.

- (9) *Utilities.* Water supply and sanitary sewage disposal facilities shall comply with all local, county and state requirements.

Findings - The Planning Commission finds that the approved site plan meets the requirements of these standards. The site plan must also comply in all aspects with the applicable provisions of the Zoning Ordinance and this Resolution. To the extent that it does not, the stricter applicable requirements of the Zoning Ordinance or this Resolution shall apply.

- (10) *Signs*. Signs shall comply with Article XXIV of this Ordinance and other applicable sign regulations in this Ordinance.

Findings - The Planning Commission finds that the approved site plan meets the requirements of these standards. The site plan must also comply in all aspects with the applicable provisions of the Zoning Ordinance and this Resolution. To the extent that it does not, the stricter applicable requirements of the Zoning Ordinance or this Resolution shall apply.

- (11) *Parking and Loading*. Off-street parking and loading facilities shall comply with Article XXIII of this Ordinance and other applicable regulations of this Ordinance. Loading and unloading areas and outside storage areas which face or are visible from residential uses or streets shall be screened by a sufficient fence or by landscaping.

Findings - The Planning Commission finds that the approved site plan meets the requirements of these standards. The site plan must also comply in all aspects with the applicable provisions of the Zoning Ordinance and this Resolution. To the extent that it does not, the stricter applicable requirements of the Zoning Ordinance or this Resolution shall apply.

- (12) Site plans shall conform to the requirements of the Barry County requirements for soil erosion and sedimentation.

Findings - The Planning Commission finds that the approved site plan meets the requirements of these standards. The site plan must also comply in all aspects with the applicable provisions of the Zoning Ordinance and this Resolution. To the extent that it does not, the stricter applicable requirements of the Zoning Ordinance or this Resolution shall apply.

- (13) In addition to compliance with all applicable requirements of this Ordinance, site plans shall be prepared in full compliance with applicable county and state law requirements. Site plan approval shall be conditioned upon the applicant receiving all applicable local, county and state permits or other approvals, prior to issuance of building permits or within such other deadline or time constraint determined by the Planning Commission in its approval of the site plan.

Findings - The Planning Commission finds that the approved site plan meets the requirements of these standards. The site plan must also comply in all aspects with the applicable provisions of the Zoning Ordinance and this Resolution. To the extent that it does not, the stricter applicable requirements of the Zoning Ordinance or this Resolution shall apply.

7. Conditions of Approval.

The special land use and site plan approvals in this case are subject to all of the following conditions and requirements. The Applicant and its successors shall fully comply with all of the following conditions and requirements:

- a. Compliance – The Applicant shall at all times fully comply with the requirements of the Zoning Ordinance, this Resolution, the Planning Commission’s special land use, site plan and reclamation plan approvals.
- b. Township Engineer – The Applicant shall meet all requirements, reports and conditions of the Township Engineer and secure all outside agency approvals prior to the commencement of any mining.
- c. Berms – Berms shall be constructed and maintained with a maximum slope as indicated on the approved site plan dated _____, 2026, prepared by Nederveld and Associates. Slopes facing public roads shall be planted and maintained with hardy grass turf. The contours and soil surfaces shall be prepared and maintained to facilitate easy mowing and to prevent scalping. The berms along Phase 1 through Phase 4 (inclusive) shall be installed within one month of when mining commences. Berms adjacent to future mining phases must be installed prior to commencement of that phase. The Zoning Administrator may waive in writing the requirement of planting and maintaining evergreen trees on specific portions of the berms where there already is substantially existing trees which will provide the same screening effect for views from off-site properties. The berms may be removed as part of the final site restoration.

- d. No Processing – Processing (including crushing, mixing, and sorting) and loading by customers shall not occur on the Parcel. The sifting of sand is allowed. No materials shall be brought from off-site except for those necessary for internal driveway construction and maintenance.
- e. End Deadline for Mining – All mining and related operations shall be completed on the Parcel within ten (10) years of the date of this Resolution. All reclamation shall be fully completed within 11 years of the date of this Resolution.
- f. Times of Operation – The hours and days of operation shall be limited to only the following:
1. Monday - Friday - 7:00 a.m. to 6:00 p.m.
 2. Saturday - 7:00 a.m. to noon.
 3. Sunday - No operations whatsoever.
 4. Holidays – for Christmas Eve, Christmas Day, Thanksgiving, July 4th, Memorial Day, Labor Day and New Year’s Day – There shall be no operations whatsoever.

* * *

Apart from the allowed dates and times of operation as listed above, none of the following shall occur on the Parcel:

- Any mining.
- Any grading, excavating or similar uses or activities.
- Operating any excavation equipment.

- g. Noise Limits – No noise emanating from the Parcel shall exceed 85 dba as measured at any property line of the Parcel.
- h. Dust Control – The Applicant shall control dust from leaving the Parcel. Such efforts shall include, but shall not be limited to, control by water trucks and by spray bars as needed to be located at discharge points on production equipment. The Applicant shall also comply with the requirements of the Michigan Clean Air Act, as amended, and the rules and regulations adopted thereunder. A paved access drive shall be installed and maintained within the interior of the Parcel as shown on the approved plan. Such paved area shall commence at Patterson Road and shall be no less than 250 feet long and no less than 24 feet wide. A tire wash that will be effective at reducing wheel tracking must be installed at the west end of the paved access drive. As for the tire wash, it shall be kept in good working condition, repair and order at all times. It shall be used for the washing of all vehicle and truck tires whenever _____. The driveway and tire wash must be constructed and paved within two months of the commencement of mining. Mining prior to driveway completion must be limited to mining necessary to construct the proposed driveway and a truck turn-around at the base of the driveway. The Applicant shall undertake other reasonable measures to prevent the accumulation of dirt and gravel on public roadways, including, but not limited to, using pickup sweepers on-site and off for off-site streets as required. Excluding the first phase, stripping of overburden shall be limited to the time limit of November 1 to June 1 unless unforeseen circumstances arise. In the event that overburden stripping is necessary outside of this time frame, the operator shall seek approval from the Township beforehand

and have a water truck on-site to control dust. If directed by the Township, a temporary pause of operations shall occur if extreme winds result in the ineffectiveness of all other dust control measures. The internal driveway will be swept, watered and treated as needed to mitigate dust.

- i. Phases – A phased approach to mining will be used to ensure that at all times, the number of acres considered actively mined, active in a support role and un-reclaimed does not exceed ___ acres in total. To that end, within a phase where mining has been completed, no more than that area which is necessary to support active mining in a then-active phase of operations shall be un-reclaimed. Areas considered to be in support of mining include haul roads, staging areas, material handling and stockpiling, and areas used for stockpiling of material used for ongoing and future reclamation. The phases and phasing shall be as shown on the approved site plan dated _____, 2026. Mined slopes shall be established with vegetation within 2 weeks of the completion of mining of the bank involved. Substantial completion of the reclamation shall be completed within one year of termination of mining or excavation activity in each area per Section 19.53(1). Areas outside of a mining area must be farmed or restored with a cover crop.
- j. Reclamation – After each phase completion, areas and slopes that are no longer needed to support active mining operations shall be reclaimed.
- k. Overburden – Any overburden not used in reclamation shall be graded, stabilized with seed, and mulched according to the approved Mining Plan and Reclamation Plan.

- l. Final Reclamation – Final reclamation shall comply with the approved reclamation plan dated _____, 2026. Excess material may be used to result in berm construction along Patterson Avenue that is widened eastward toward mining areas compared to berm width indicated on the approved reclamation plan.
- m. Topsoil – No topsoil shall be removed from the Parcel (except with prior express written approval by the Township when reclamation has been completed and approved by the Township). Topsoil stripped from the surface on the Parcel will be stockpiled on-site and used for later reclamation of each completed phase. The amount retained shall be not less than that required to reclaim all disturbed areas. All reclaimed areas shall have at least 4” of topsoil.
- n. Reclamation Goal – The goal of reclamation is to provide a property that could be developed with residential dwellings as shown on the End Use Plan dated _____, 2026.
- o. No Fuel Tanks – Fuel storage is not permitted on the Parcel. However, a standard fuel storage tank designed, built and approved for such purpose will be allowed to be utilized on the Parcel for off-road diesel fuel refueling of sand removal equipment. Fuel storage must have double-walled containment and be equipped with an alarm.
- p. Fill – All fill shall consist of inert materials such as clay type material and other materials mined from the Parcel but not otherwise usable.
- q. Groundwater Monitoring – Groundwater monitoring shall be provided by the Applicant to the Township if the water table is breached.

- r. Stabilization – Topsoil shall be promptly stabilized with plantings or structures to prevent erosion and blowing, as well as other vegetation to be planted to maximize erosion protection.
- s. Stockpiling – No stockpiled materials shall exceed the height of the top of the nearest berm.
- t. No Materials from Off-Site – Only materials mined on the Parcel shall be kept, stored or utilized on the site. No sand, rocks, crushed or other concrete or asphalt, gravel or other minerals from off of the Parcel shall be brought onto the property, either for storage, processing or mixing, other than clean fill needed for final reclamation. Despite such prohibition, asphalt millings may be imported and stored on site for the construction and maintenance of haul roads in the pit, and clean fill may be imported for reclamation restoration efforts. Furthermore, trucks, vehicles, and equipment shall not be stored or utilized on site unless they are actively used for current operations on the Parcel.
- u. No Scales or Buildings – No scale, scale house, building or other similar items shall be kept, installed or maintained on the Parcel.
- v. Setbacks/Unmined Areas – All mining shall occur only as shown on the approved site plan. No mining shall occur within 100 feet of a property line.
- w. Drainage – Final surface water drainage courses and areas of surface water retention shall be laid out and constructed at such locations and in such manner as to enhance the end-use.
- x. Monetary Security – Within forty-five (45) days of the date of this Resolution and prior to any excavating occurring on the Parcel, the Applicant shall provide the

Township with an irrevocable performance surety bond for the amount recommended by the Township Engineer (likely \$120,000) in the form, from a financial institution and with language all acceptable to the Township. That bond shall be utilized to ensure compliance with the zoning approval terms, including, but not limited to, operational and site reclamation/restoration requirements. The Applicant shall also provide to the Township with an additional reclamation bond (likely for \$6,000 per acre for acres disturbed but not yet reclaimed). The amounts for the two bonds shall be adjusted upward annually to reflect the increases in the general Consumer Price Index (“CPI”) which has occurred during the preceding year. The two bonds as described above shall be in full force and effect at all times and until one year after all reclamation has occurred and been approved by the Township, and if any such bond is not in effect at any time, all mineral extraction operations on the site shall cease immediately until a new bond has been delivered to the Township which complies with these requirements. If the operation is transferred, sold or in any fashion taken over by any person or entity other than the Applicant, the Planning Commission shall have the right to reexamine the amount of the bond and adjust the amount upward based on the financial condition and past track record (if any) of the new operator.

- y. Approvals and Law Compliance – Except as otherwise expressly provided in this approval or the Zoning Ordinance, the Applicant and its assigns must meet all other applicable Township ordinances as well as all federal and state laws, and the Applicant shall obtain all necessary approvals from state, county and local governmental agencies which are required for the proposed operation or use.

- z. Consequences of the Unenforceability of a Condition or Requirement – If any condition or requirement imposed herein is ever finally determined by a court of competent jurisdiction to be illegal, invalid or contrary to law as a result of a successful challenge by the Applicant or its successors, the Township reserves the right to review the entire project under the provisions of the Zoning Ordinance, and further, to withdraw its approvals if it finds that absent the effect of the invalidated condition or requirement, the approval no longer meets the standards for a mining approval contained in the Zoning Ordinance or the operation would cause very serious consequences.
- aa. Runs with the Land – All conditions and requirements contained in this document shall run with the land and shall be binding upon the Applicant and the owner(s) of the Parcel, as well as their successors, creditors, agents, tenants and assigns. The conditions and requirements may be modified or amended only pursuant to a formal amendment to this approval and Resolution by the Township. Any successor or new property owner must apply to and receive approval from the Planning Commission for the transfer of the special land use approval/permit.
- bb. Recording – This Resolution shall be recorded with the Barry County Register of Deeds by the applicant. This Resolution, the conditions contained herein, and this zoning approval shall run with the land and shall bind the lands involved.
- cc. Violations – Failure to comply with any provision of the Zoning Ordinance, the approved plans, this Resolution or any of the approval documents shall be deemed to be a violation of the Thornapple Township Zoning Ordinance (and shall be a nuisance *per se*). Violation of the Thornapple Township Zoning Ordinance could

prompt legal action against the Applicant or the-then property owner, including, but not limited to, prosecution, a civil lawsuit and/or revocation of any approvals or permits hereunder.

dd. The Property Involved – The property involved in this approval is located in Section 18 of Thornapple Township and is hereby legally described as follows:

THORNAPPLE TWP; BEG NW 1/4 SEC 18-T4N-R10W; TH N89*57'52"E 1320.95'; TH SO1*36'19"W 2641.09'; TH N89*58'25"W 1271.75'; TH N00*32'17"E 2638.76' TO POB; EXC BEG AT A PT ON W LI SD SEC DIST N00*32'17"E 604.80' FROM W 1/4 COR SD SEC; TH N00*32'17"E 328.00'; TH S89*27'43"E 265.00'; TH S00*32'17"W 328.00'; TH N89*27'43"W 265.00' TO POB.78 A +/- (18). (the "Parcel")

ee. End Use – Once all mining and reclamation have been completed, no development or end use of the Parcel shall occur or be commenced until and unless approved by the Township pursuant to the applicable requirements of the Township zoning regulations and other applicable ordinances then in effect.

ff. Full Compliance – The Parcel and all operations on-site shall fully comply with all applicable local, county, state, and federal laws and regulations, including, but not limited to, environmental laws.

gg. Bi-Annual Planning Commission Review; Revocation of the Approval.

(1) Every two years, the Planning Commission shall hold a bi-annual review under Section 19.53 of the Zoning Ordinance and a public hearing regarding the mine, which will involve a discussion and review of compliance with this Resolution as well as any new issues or problems that may arise. A public hearing shall be held by the Planning Commission in conjunction with the bi-annual review. Written notice of the annual review and public

hearing shall be mailed to the Applicant and also the owners of all properties within 500 feet of the Parcel at least fifteen (15) days before the public hearing and the notice shall also appear in the newspaper once at least fifteen (15) days before the hearing. Pursuant to the annual review and hearing, the Planning Commission shall have the power and authority to impose new and additional reasonable conditions on the mine and its operations in addition to and beyond the conditions of approval in this Resolution.

(2) The special land use approval may also be suspended or revoked by the Planning Commission upon a hearing of the Planning Commission, with notice to the Applicant and area property owners as provided in Subsection (1) above, based on a failure to comply with one or more of the requirements of the Zoning Ordinance, other applicable laws, ordinances or regulations and/or the terms and conditions of this Resolution, or upon the grounds that the use constitutes a nuisance or danger to the public health, safety, and/or welfare.

hh. Conflicts – The Applicant must comply with both this Resolution and all of the requirements of Section 19.53 of the Zoning Ordinance. To the extent that any of the requirements of Section 19.53 of the Zoning Ordinance are more restrictive than any of the requirements or conditions of approval contained in this Resolution, the stricter requirements of Section 19.53 of the Zoning Ordinance shall govern and control. Conversely, if any of the requirements of this document are stricter than a

corresponding requirement of Section 19.53 of the Zoning Ordinance, the requirement of this document shall govern and control.

- ii. Fencing – Standard 10/47 farm/agricultural fencing shall be installed and maintained at all times around the perimeter of the Parcel as shown on the approved site plan dated _____, 2026. There shall only be one (1) entrance/exit for the mining operation (which is on Patterson Road) and it shall have a gate that is locked when mining operations are not actively occurring. All fencing and gate(s) must be in place, inspected and approved by the Township before mining can commence. “No trespassing” signs shall be placed and maintained on the fencing facing outward every 50 feet along the fencing. Working cameras will be used to monitor the property entrance.
- jj. Signage – A sign must be installed and maintained on each gate (facing the public road) with the Applicant’s or operator’s current contact information (including a current phone number and email address) and hours of operation. This sign shall be reviewed and approved by the Zoning Administrator before installation.
- kk. Temporary Slopes – All temporary slopes shall be established with a rise of no more than 3 to 1 (horizontal to vertical) and shall be established with vegetation within two weeks of the completion of the mining of the area involved.
- ll. Soil Erosion and Control Measures – Soil erosion control and sedimentation control measures (such as silt fencing) must be placed and remain in sight until all material up gradient of measures stabilize the vegetation. Silt fencing must be removed within two months of material upgradient becoming stabilized by vegetation.

- mm. Approved Site Plan – All operations, layout, phases, _____ and _____ associated with mining and other matters shall be in strict conformance with the approved site plan dated _____, 2026.
- nn. Approved Reclamation Plan – All reclamation shall fully comply with the approved Reclamation Plan dated _____, 2026.
- oo. The Mining Floor – The mining floor must have a minimum of elevation of 805.0 feet for the duration of the initial two-year permit cycle. A deeper mining floor may be permissible in a future phase if the construction of the lake/pond is permitted and approved by EGLE. A small area may be excavated more deeply to access groundwater for dust control purposes.
- pp. Liability Insurance – Liability insurance shall be maintained in full force and effect for all uses and operations on the Parcel pursuant to Section 19.53(s)(2) until after reclamation has been fully completed and approved by the Township.
- qq. Escrow Amounts – The Applicant must pay to and maintain a minimum escrow of \$4,000 with the Township at all times for inspection fees and other fees pursuant to Section 19.53(r) of the Zoning Ordinance. Also, all zoning escrow amounts shall be paid to the Township.
- rr. Inspections – Township officials can inspect all portions of the Parcel at regular intervals to ensure compliance with this Resolution, the approved site plan, the approved reclamation plan and the Zoning Ordinance. Such inspections can also involve inspections to ensure:
- Protection of any wetlands.
 - Prevention of soil erosion.

- Verifying elevations and compliance of the reclaimed areas.
 - Verify progressive reclamation and phasing.
 - Verify berm construction and setback compliance.
 - Verify general compliance with the Zoning Ordinance and permit conditions.
- ss. Barry County Road Commission Approval – The entrances/exits shall be approved in writing by the Barry County Road Commission. Furthermore, the Applicant shall remove any debris from area public roads attributable to the Parcel from any vehicle, truck, trailer or similar transport use. In addition, the Applicant shall repair any visible damage to any public road located within one mile of the Parcel caused by any vehicles, trucks, trailers or similar transport coming out of or going to the Parcel.
- tt. Truck Routes – No truck, vehicle or equipment coming or going to the Parcel shall utilize any area public roads, except for Patterson Road (between ____ and ____). The Applicant shall also repair any visible damages to those public roads attributable to any truck, vehicle or equipment traffic going to or from the Parcel.
- uu. The Lake/Pond – The following shall apply to the lake/pond to be created on the Parcel due to mining:
- (a) No final slope within the water shall be less than 1:4 beyond 21 feet from the water's edge (i.e. the slope will be 1:7 for 21 lineal feet above the water's edge and 1:7 for 21 feet below the water's edge and will otherwise be 1:4).
 - (b) The body of water shall be dug deep enough so that it never becomes brackish or stagnant. The body of water shall be dug deep enough to prevent the lake

from turning into swamp conditions and at a depth as recommended by the hydrogeologic study. Sections of the pond may have reduced and varied depth to promote fish habitat.

- (c) The Applicant shall perform a hydrogeologic study prior to starting on the lake/pond and file it with the Township. The study will likely be required by EGLE for the Applicant's permit. The lake/pond shall comply with recommendations included in the study except those specifically waived by the Planning Commission.
 - (d) The proposed water elevation is 795, which matches the approximate groundwater level observed in the soil borings. The grading plan shows a "shelf" of 1:7 slope 3 feet above and below (42' total) at the water's edge. The proposed shelf elevation may require adjustment according to actual water level and fluctuations.
 - (e) The Applicant shall use its best good faith efforts to obtain all required permits for the pond/lake and to create the body of water.
- vv. No stacking – No truck, vehicle or equipment attributable to the Parcel shall be parked along a public road, "stacked" outside of the Parcel or be in any traffic back up or line to enter the Parcel.
- ww. Joint Responsibility – Both the Applicant and all owners of the Parcel are jointly and severally responsible and liable for compliance with this document and the Zoning Ordinance.
- xx. Inspection Fees – Inspection fees shall be governed by Subsection 19.53(r) of the Zoning Ordinance.

- yy. Noise and Vibration – Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms and walls. All equipment shall be maintained and operated in such manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
- zz. Other Approvals – The Applicant shall obtain and provide the Township with copies of all applicable permits obtained from EGLE, the Barry County Drain Commission, the Barry County Road Commission, and any other applicable agency regarding the Parcel.
- aaa. No Explosives – The use of explosives of any kind on the Pond is prohibited.
- bbb. No Variances – No variance regarding any aspect of this approval or the conditions herein shall be applied for or be granted by the Thornapple Township Zoning Board of Appeals.
- ccc. No Stagnant Water – Except as may temporarily occur after major rainfall events and for the approved lake/pond, no standing or stagnant water is permitted to accumulate anywhere on the site. Notwithstanding the foregoing, a small area opened for accessing water for the site-utilized water truck may be excavated and maintained.
- ddd. Equipment – Only equipment and vehicles actively being used on site may be stored or kept on site. Equipment used for loading trucks will be limited to wheeled front-end loaders. Bulldozers shall be limited to preparation and reclamation efforts.

Equipment backup alarms will be equipped with working white noise modifications.

- eee. Firearms – No firearms shall be discharged on the Parcel.
- fff. Tree Removal – No trees 4-inch in diameter or larger shall be removed without specific prior written permission from the Thornapple Township Zoning Administrator.
- ggg. Natural Area – A 50-foot wide permanent non-disturb and conservation easement shall be established to benefit Thornapple Township and the neighbors along the shared property line with residential lots in the Deer Run development. The easement shall be executed and recorded within 30 days of the commencement of mining. Within the 50-foot easement, there shall be no removal of live trees. Activities within the 50-foot easement shall be agreed upon between Thornapple Township, Excel Excavating, and the lot owners of the Deer Run development located directly adjacent to the easement for the purpose of establishing a vegetative buffer between the residential lots and the proposed sand mine. Activities in the first year of the easement shall be grading and the planting of vegetation, including, but not limited to, trees. These initial activities shall be performed by Excel Excavating and the residents of Deer Run. Upon establishment of the easement within the first year, activity within the easement shall be limited to maintenance of the natural buffer. Where a disagreement may be encountered regarding the buffer or the easement, the Township shall make any final determinations.

8. Approval.

Based on the above, the Township Planning Commission approves the Applicant's special land use mining request, and the site plan and reclamation plan.

11. Acceptance.

The Applicant and landowner(s) shall sign and date a copy of this Resolution (as provided below) and return the signed original to the Township Clerk within 30 days, which will show the Applicant's and landowner(s)' consent to and agreement with all of the terms, conditions and requirements contained in this document.

The vote to adopt this Resolution was as follows:

AYES: _____

NAYS: _____

ABSENT/ABSTAIN: _____

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution adopted by the Thornapple Township Planning Commission at the time, date and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

By: _____

The Thornapple Township
Planning Commission Secretary

* * *

Excel Excavation and _____ also agree with and consent to all of the above.

Dated: _____, 2026

Excel Excavation

By: _____

Its _____

Dated: _____, 2026

By: _____

Its _____