

Waverly Township
Planning and Zoning Commission
Regular Meeting – Waverly Township Hall

AGENDA

8-May-06

7:30 PM

1. Call to Order / Introductions
2. Agenda – additions/corrections/approval
3. Minutes: 10-April-06 – corrections/approval
4. Report on Township Board Meeting: John Ruiters
5. Proposed change to Planning and Zoning Bylaws
6. Election of Planning Commission officers for Jun 06 – May 07
7. Future Land Use Plan status and schedule: Pat Hudson
8. Rogar Knopf – Shared driveway plan
9. David Walker – Special land use exploration
10. Accessory building ordinance – discussion
11. New Business
12. Public comments
13. Commissioner comments
14. Adjourn

MINUTES

WAVERLY TOWNSHIP

PLANNING AND ZONING COMMISSION

Regular Monthly Meeting-Waverly Township Hall

May 8, 2006

Members present: Larry Chase, Kathleen Cook, Dave Foerster, Mike LaPine, Joe Mayo, and John Ruiter.

Members absent: Carl Juk

Visitors:	Rocky Sherburn	John Kison	Patrick Hudson
	Woody Topp	Diane Julien	
	Bob Harrison	Marvin Henry	
	Bernie Wilfong	Tony Millek	
	Bob Capone	Louie Barkovich	

Meeting called to order at 7:30 pm by Dave Foerster.

Joe Mayo moved to accept the amended agenda. Seconded by Kathleen Crook. Unanimously approved.

Kathleen Crook moved to accept the minutes from the previous meeting. Seconded by Joe Mayo. Unanimously approved.

Dave Foerster suggested that the terms of the officers for the Planning and Zoning Commission begin the meeting following the election not immediately following the election at the same meeting. This would allow for a smoother transaction of business to be conducted at that meeting. John Ruiter so moved. Approved unanimously.

The election of officers for May 2006 to May 2007 was held. The officers elected are:

Chair	Dave Foerster
Vice Chair	Kathleen Cook
Recording Sec.	Larry Chase

John Ruiter presented the report from the Township Board. The main topic of the last meeting was the Blight Control Ordinance and the question of whether a Sheriff Officer should be hired to enforce it. This issue was tabled. The Board instructed the Commission to review the accessory building code.

Patrick Hudson reported that the Future Land Use Plan has gone out for review to the surrounding Townships. The first of two public hearings will be August 14. John Ruiter was asked to place notices and a copy on the Township Web Site.

Woody Topp asked about the plan for the development of the Irene Smith property. He questioned the effect on School Section Lake and if the proposed plan complied with the Keyhole Ordinance. Pat Hudson said that the plan was not quite acceptable but when properly completed it will meet zoning requirements. The lakeshore will be a permanent open space and is regulated by the State because it is a designated wetland. Due to the size of the permanent open space, lot size can be smaller but still must comply with the 4 to 1 length to width ratio. All lots will front on CR665 and no additional road will be built.

John Kison appeared as a representative for David Walker. David would like to know what must be done to his property to make it saleable. He has only 66 ft. of frontage on a road. This problem was caused by an illegal split which was recorded and given a tax number. After a committee of the whole and much discussion it was determined that he must either get more road frontage from the original seller or build a road on the 66 foot wide right-of-way that he owns. If he built a road then he could divide the property as he wants to. John asked how good of a road must be built. The committee indicated that he would need to build the road to County standards or request a variance from those standards.

The next order of business was the Accessory Building Ordinance. The committee is instructed to examine this and suggest changes. Dave handed out a summary of current regulations. He also handed out copies of minutes from 6-27-05 and 8-26-05 which contained suggestions from Pat Hudson.

Suggestions presented were to:

- 1) Delete requirement of like material in construction
- 2) Remove an attached garage as an accessory building
- 3) Adjust size requirement to reflect size of lot.
- 4) Separate R1, R2, and R3.

This was tabled until the next meeting to allow the committee members to review the information that had been presented.

A suggestion was made that the meeting time be moved to 7:00 pm to be consistent with the Township Board Meeting time and to make the meetings a little earlier. Mike LaPine moved. Larry Chase seconded. Approved unanimously.

Marvin Henry requested that his property at the intersection of M-40 and M-43 be rezoned to commercial. He stated that he wanted to be able to have more billboards installed. This would require an addendum to the just completed long range plan. The committee will review this next meeting.

Joe Mayo moved to adjourn. Mike Lapine seconded. Unanimously approved.

Respectively submitted

Larry Chase
Recording Secretary

Attachment: Revised Planning and Zoning Commission Bylaws

BYLAWS
WAVERLY TOWNSHIP PLANNING AND ZONING COMMISSION
VAN BUREN COUNTY
MICHIGAN

1. AUTHORITY

These bylaws are adopted by the Waverly Township Planning and Zoning Commission pursuant to the Township Rural Zoning Act 184 of the Public Acts of 1943, as amended and the Open Meetings Act 267 of the Public Acts of 1976, as amended.

2. OFFICERS

2.1 Selection: At the May meeting the Commission shall select from its membership a Chairperson, Vice Chairperson, and Secretary who shall serve for a twelve month period and who shall be eligible for re-election.

2.2 Duties: A Chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. The Vice Chairperson shall act in the capacity of the Chairperson in the absence of the Chairperson and shall succeed to the office of Chairperson in the event of a vacancy in that office, in which case the Commission shall select a successor to the office of Vice Chairperson at the earliest practicable time. The Secretary shall be responsible for the preparation of minutes, keeping of pertinent records, delivering communications, petitions, reports, and related items of business of the Commission, issuing notices of public hearings, and performing related administrative duties to assure efficient and informed Commission operations. In the event the Secretary is absent, the Chairperson or acting Chairperson shall appoint a temporary Secretary for such meetings.

2.3 Tenure: The officers shall take office at the next meeting following their election. They shall hold their office for a term of one year, or until their successors are elected.

Comment [DF1]: This change was adopted in the interest of achieving a smoother transition between the outgoing and incoming officers.

Deleted: The officers shall take office immediately following their election

Deleted: .

3. MEETINGS

3.1 Meeting Notices: All meetings shall be posted at the Waverly Township Hall according to the Open Meetings Act. The notice shall include the date and time of the meeting.

3.2 Regular Meeting: Regular meetings of the Commission shall be held monthly in the Waverly Township Hall on a date established by the Commission. The dates and times shall be posted at the Waverly Township Hall and notice published in accordance with the Open Meetings Act. Changes in the date or time of the regular meetings shall be posted and noticed in the same manner as originally established. When a regular meeting date falls on or near a legal holiday, the Commission shall select suitable alternate dates in the same month in accordance with the Open Meetings Act.

3.3 Special Meetings: A special meeting may be called by the Chairperson or by two members of the Planning Commission upon written request to the Secretary or the Chairperson. The business which the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act. Public notice of the time, date, and place of the special meeting shall be given in a manner as required by the Open Meetings Act, and the Secretary shall send written notice of a special meeting to Commission members not less than 48 hours in advance of the meeting.

3.4 Quorum: In order for the Commission to conduct business or take any official action, a quorum consisting of the majority of the voting members of the Commission shall be present. When a quorum is not present, no official action, except for the closing of the meeting may take place. The members of the Commission may discuss matters of interest, but can take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting and no additional public notice is required provided the date, time, and place is announced at the meeting.

3.5 Hearing: Hearing shall be scheduled and due notice given in accordance with the provisions of the acts and ordinance cited in Section 1. Public hearings conducted by the Planning Commission shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure:

- a) Chairperson opens public hearing and announces subject.
- b) Chairperson summarizes procedures/rules to be followed during the hearing.
- c) Staff\Chairperson presents main points of application.
- d) Correspondence or persons speaking in support of application are recognized, beginning with the applicant. Each participant will be accorded three minutes to present their position. The Chair may elect to allow a group of participants to pool their time for one person to present the common view of the group.
- e) Correspondence or persons speaking in opposition to the application are recognized.
- f) Rebuttal comments by applicant. (Three minute time limit)
- g) Chairperson closes public hearing. Explains the next steps. The Commission may elect to postpone a decision to allow more research or investigation to occur, or make a decision.
- h) Planning Commission deliberates and reaches a decision.

3.6 Motions: Motions shall be restated by the Chairperson before a vote is taken. The name of the maker and supporters of the motions shall be recorded.

3.7 Voting: An affirmative vote of the majority of the Commission shall be required for the approval of any requested action or motion placed before the Commission. Voting shall ordinarily be by voice provided, however, that a roll call vote shall be required if requested by any Commission member or directed by the Chairperson. All members of the Commission including the Chairperson shall vote on all matters except where conflict is determined to exist. The duty exists, when one does *not* have a conflict, even if the issue pertains to a friend or someone in the neighborhood where to vote may be uncomfortable or difficult

3.7.1 Conflict of Interest: Any member may be excused from voting only if that person has a bona fide conflict of interest as recognized by the majority of the remaining members of the Commission. Members shall avoid situations which are conflicts of interest. Conflict of interest shall at a minimum include, but not necessarily be limited to, the following:

- a) Issuing, deliberating, voting or reviewing a case concerning herself or himself.
- b) Issuing, deliberating, voting or reviewing a case concerning work on land owned by herself or himself.
- c) Issuing, deliberating, voting or reviewing a case involving a corporation, company, partnership, or any other entity in which she or he is a part owner, or any other relationship where she or he may stand to have a financial gain or loss.
- d) Issuing, deliberating, voting or reviewing a case which is an action which results in a pecuniary benefit to herself or himself.
- e) Issuing, deliberating, voting or reviewing a case concerning her or his spouse, children, step-child, grandchildren, parents, brother, sister, grandparents, parents in-law, grandparents in-law, or members of her or his household.
- f) Issuing, deliberating, voting or reviewing a case where an employee or employer is: an applicant or agent for an applicant, or has a direct interest in the outcome.

3.7.2 Where Conflict is Determined to Exist: The member of the Commission shall do all of the following immediately, upon first knowledge of the case and determining a conflict exists

- a) Declare a conflict exists at the next meeting of the Commission or committee:
- b) Cease to participate in the conflicted issue at the Commission or committee meetings, or in any other manner; or to represent one's self before the Commission, its staff, or others, and
- c) During deliberation of the agenda item at a Commission or committee meeting leave the meeting, or remove one's self from the front table where members of the Commission sit until that agenda item is concluded.

Waverly Township Planning and Zoning Commission Bylaws

3.8 Order of Business: A written agenda for all regular meetings shall be prepared as follows. The order of business shall be:

- Call To Order
- Roll Call
- Approval of Agenda
- Approval Of Minutes
- Public Hearings
- Unfinished Business
- New Business
- Public comments
- Commissioner Comments
- Adjourn

A written agenda for special meetings shall be prepared and be similar to the form as enumerated above.

3.9 Rules of Order: Unless otherwise detailed within these bylaws, all meetings of the Commission shall be conducted in accordance with the generally accepted parliamentary procedure, as governed by "Roberts Rules of Orders".

3.10 Notice of Decision: A written notice containing the decision of the Planning Commission will be sent to petitioners or originators of a request.

4. MINUTES

4.1 Commission minutes shall be prepared by the Secretary. The minutes shall contain a brief synopsis of the meeting including a complete restatement of an motions and recording of votes, complete statement of the conditions or recommendations made on any action, and recording of attendance. All communications, actions, and resolutions shall be attached to the minutes. Proposed minutes shall be available for public inspection not more than 8 business days after the meeting to which the minutes refer. Approved minutes shall be available for public inspection not later than 5 business days after the meeting at which the minutes are approved by the public body. The official records shall be submitted annually to the Township Clerk.

5. OPEN MEETING AND FREEDOM OF INFORMATION PROVISIONS

5.1 All meetings of the Commission shall be opened to the public and held in a place available to the general public.

5.2 All deliberations and decisions of the Commission shall be made at a meeting open to the public.

5.3 A person shall be permitted to address a hearing of the Commission under the rules established in Section 3.5 and to address the Commission concerning non-hearing matters under the rules established in Section 3.8 to the extent that they are applicable.

5.4 A person shall not be excluded from a meeting of the Commission except for breach of the peace, committed at the meeting.

5.5 All records, files, publications, correspondence, and other materials are available to the public for reading, copying, and other purposes as governed by the Freedom of Information Act.

6. AMENDMENTS

These bylaws may be amended by the Commission by a concurring vote pursuant to Section 3.7 during any regular meeting provided that all members have received an advance copy of the proposed amendments at least three days prior to the meeting at which such amendments are to be considered. These bylaws shall be reviewed every three years by the Commission.