

# MINUTES

## WAVERLY TOWNSHIP

### PLANNING AND ZONING COMMISSION

Regular Monthly Meeting and Public Hearing-Waverly Township Hall

August 14, 2006

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

Members Absent: Carl Juk

Visitors:	Ed Lean	Yvonne Lean
	Louie Barkovich	Bea Lackey
	Marvin Henry	Bernie Wilcox
	Bob Capone	Diane Julien
	Bob Harrison	Bernard Wilfong
	Nathan Lynch	Tony Millek
	Jeff Otten	Kim Otten
	Tom Fleetwood	Pat Hudson

The meeting was called to order by Chairman Dave Foerster at 7:00 PM.

Dave opened the Public Hearing by reading from the Introduction to the Future Land Use Plan DRAFT Part B, Purpose Of This Document. This states in part that this document is a land use plan and not the Zoning Ordinance. This plan does not alter the current Zoning Ordinances.

Dave opened the floor to comments from the public.

Bernard Wilfong brought up several sections that he felt needed to be addressed:

1. Chapter I, page one, Heading I, Section A, fifth paragraph, third sentence the Date 1976 should be changed to 1892.
2. Chapter II, page four, first paragraph, the last sentence should be deleted.
3. Chapter IV page 1, Section C, wanted "Home occupations in particular" removed.
4. Chapter VII, page one, Heading B Agriculture, paragraph 3. The last sentence Should be deleted because it could be deceiving.

5. Chapter VII, page three, paragraph two. The last sentence should be removed because it is from years ago and is not part of current planning.
6. In Appendix C, the letter from Leslie C. Brown should be removed because it is obsolete.

Tom Fleetwood asked about commercial zoning along M-43 and M-40. He said that there is no commercial property available and asked if there would be spot zoning. He also asked where the data for the charts in the back of the Draft came from. He felt that it was inaccurate. Pat Hudson replied that it was U.S. Census data. Tom also questioned if zoning should deal with blight as in Chapter IV page 1 Heading C as it regards blight a challenge to the township.

Bea Lackey stated that she has 40 acres and wants to place it in the South West Michigan Land Conservancy. She wants to keep her land undeveloped. She brought two booklets for the commission's information. She asked if the Draft Plan is compatible with her plans. Dave Foerster said yes, but that a Future Land Use map designating specific preservation areas would not be released before the next update of the Master Plan.

Bernard Wilcox asked if this Draft addressed joint ventures with adjoining Townships for development at M-43 and M-40.

Dave Foerster read a letter from the Van Buren County Planning Commission. Please see Attachment 1.

With no further public comments Dave Foerster closed the public hearing.

The regular meeting was opened with John Ruiter moving to accept the minutes of the July 10, 2006 meeting. Kathleen Crook seconded. Motion approved unanimously.

After discussion of the public comments, the Commission made the following changes to the Draft Plan:

1. Chapter I, page one, paragraph five. In the third sentence, the date 1976 is changed to 1892.
2. Chapter II, page four, the first paragraph. The sentence "This eliminated the introduction of single wide mobile homes into the Township" was removed.
3. Chapter III, page one, paragraph four. In the last sentence, the word "anticipate" is changed to "encourage".
4. Chapter VII, Heading C. In challenges identified by the Board, Home occupations is removed and added to the challenges identified by the Planning and Zoning Commission.
5. Chapter VII, Heading C. Sewer and Water Utilities and Home Occupations are identified as challenges by the Planning and Zoning Commission.
6. Chapter VII, Heading B, the third paragraph. In the last sentence the word "should" is replaced with the word "could" and the phrase "if adopted by the Township" is added to the end.

7. Chapter VII, Heading C. In the last sentence the words “to the west or north of existing R zone” are removed.
8. Chapter VII, Heading D, Page three. The last sentence “This is the likely location for any sewer expansion that may come from Paw Paw Township” is removed.
9. For Table 7 in Appendix A the source of the data is attributed to the U.S. Census and a clarifying note added about Home Value and Contract Rent.
10. A note regarding the relevance of the Appendix C, Leslie C. Brown will be added.

Joe Mayo moved to accept the Draft of the Future Land Use Plan as amended and to forward it to the Board of Trustees for approval. Seconded by Mike LaPine. After a period of discussion, the vote was taken on the issue and it failed by a unanimous vote.

The changes will be made to the Draft and it will be brought before the Commission at the next regular meeting.

John Ruiter gave a report on the special board meeting which accepted the Conservation Plan for the Smith property after some changes.

#### Public Comments:

Jerry Dundon asked if the Township is limited in the amount of area zoned Commercial. Pat Hudson answered no; there is the practical restriction of not wanting too much Commercial property. Jerry then asked why our Commercial zones are spotty. We have major roads and we should develop along them. This type of limitation on Commercial areas makes trouble in the long run because it leads to home businesses which are not located in Commercial areas.

Tony Millek agreed with Jerry by stating that we are discouraging commercial development along M-40 and M-43 which is our only available corridor. We should regulate home business not discourage them.

Loui Barkovich asked when we will deal with Accessory Buildings. Dave Foerster said at the next scheduled meeting.

John Ruiter moved to adjourn the meeting. Kathleen seconded. Approved unanimously.

Meeting adjourned at 8:45 PM.

Respectfully Submitted,

Larry Chase, Recording Secretary

Attachment 1: VBC Planning Commission letter dated May 30, 2006

MICHIGAN STATE  
UNIVERSITY  
EXTENSION

May 30, 2006

Jean Dahms  
Waverly Township Clerk  
42114 M-43 Hwy  
Paw Paw, MI 49079

Dear Ms. Dahms:

On Wednesday, May 24, 2006, the Van Buren County Planning Commission (CPC) reviewed Waverly Township's Future Land Use Plan. The CPC felt that the Waverly Township Future Land Use Plan was consistent with the Van Buren County Comprehensive Plan. In particular, the following comments were observed.

The community vision section is commendable, and the CPC noticed that public input revealed that much of what residents truly value about the township is tied to rural character, recreation, natural features, and agriculture. The CPC was pleased to see that this plan, through its discussion of water quality, protecting wetlands, participating in farmland preservation, and updated zoning (Chapters VI and VII) is compatible with public input. The CPC would also encourage the township to develop a recreation plan in order to guide the development of recreational opportunities in the township.

The CPC would like to make special mention of your stated goal to preserve farmland and open space, as agriculture is an important industry in Van Buren County. This plan clearly recognizes the importance of agriculture in the township as well as strategies that can be used to preserve viable farmland. The CPC would like to encourage the township to complete the identification of agricultural preservation areas and subsequently update the future land use map. This would allow township landowners to participate in the county purchase of development rights (PDR) program for the 2007 grant cycle.

The CPC noted an apparent contradiction in Chapter III: the plan recognized increased development pressure and increasing population, but then stated that the township need not anticipate increased density residential uses. However, overall, the stated goals and objectives seemed thoughtful and attainable. The consideration of soil types and suggestions to avoid leapfrog development were appreciated.

The CPC also wanted to provide some information that could be included in the plan if the township so desired:

- The plan references the "Paw Paw River Project" (Chapter II, page 4). This project is now funded with a 2-year 319 grant from the Michigan Department of Environmental Quality and is a regional effort to create a management plan. The steering and subcommittees meet monthly.



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- Chapter VI, page 1 mentions the Township Zoning Act. The CPC would like to remind the township that Michigan has recently adopted a new Zoning Enabling Act (PA 110 of 2006). This act will become effective July 1, 2006 and will require some procedural changes in zoning matters. The new act can be found online at: [www.legislature.mi.gov/documents/2005-2006/publicact/pdf/2006-PA-0110.pdf](http://www.legislature.mi.gov/documents/2005-2006/publicact/pdf/2006-PA-0110.pdf)

If you have any questions please feel free contact me at 269.657.8200, ext. 1592.

Sincerely,



Kelly A. Getman-Dissette  
Secretary  
VBC Planning Commission

Cc: Patrick Hudson, Township Planner  
Dave Foerster, Township Planning Commission Chairman