

Waverly Township
Planning and Zoning Commission
Regular Meeting – Waverly Township Hall
AGENDA (as adopted)
13-Aug-2007
7:00 PM

1. Call to Order / Introductions
2. Agenda – additions/corrections/approval
3. Minutes of 9-Jul-07 – corrections/approval
4. Report on Township Board Meeting: John Ruiters
 - Motion for PC to hold public hearing to consider elimination of HC zoning district.
 - Motion re future land use plan for commercial district and directive for PC to work without professional planning assistance in creation of any future changes to zoning requirements.
 - Other actions.
5. Paw Paw Lions Club request for consideration of change to commercial on Future Land Use Plan (parcel #80-18-036-018-70)
 - Added agenda item: Casey Ziemba request for consideration of change to commercial on Future Land Use Plan (parcel #80-18-013-001-01)
6. Future Land Use Plan
 - Review of changes to date
 - Plan for completion
7. HC/Ag zoning discussion and plan for public hearing
8. Commercial District Zoning Ordinance – continued discussion
 - Commercial district special uses
 - Site plan requirements
9. Public Comments
10. Commissioner Comments
11. Adjourn

MINUTES

WAVERLY TOWNSHIP

PLANNING AND ZONING COMMISSION

Regular Monthly Meeting –Waverly Township Hall

August 13, 2007

Meeting called to order at 7:00pm by Dave Foerster.

Members present: Mike LaPine, Larry Chase, Bernie Wilcox, Dave Foerster, Joe Mayo, Diane Julien.

Members absent: John Ruitter

Visitors: Pat Hudson, Casey Ziemba, Tony Millek, Bernie Wilfong

Agenda: Accepted with changes.

Minutes of July 9th: Accepted with changes.

Report on Township Board Meeting: Dave Foerster

The Township Board passed a motion for PC to hold public hearing to consider elimination of HC zoning district.

Board motion re future land use plan for commercial district and directive for PC to work without professional assistance in creation of any future changes to zoning requirements. (See related discussion under Other actions: below)

Specific language of these motions was not available at the time of this meeting.

Discussion on what to do next: Do we start changing commercial zoning in Future Land Use Plan without changing ordinances or do we start changing ordinances which seem to tie in with other ordinances that need to be updated before adding more commercial property

After lengthy discussion consensus was reached that it is necessary to incorporate highway access management regulations into the zoning ordinance (See Attachment 1 from MDOT) prior to increasing commercial district acreage in the future land use plan. It was also agreed that standards must be developed to differentiate special use from primary use for all zoning districts. Attached to

these minutes for reference is a note (See Attachment 2) relating to the discussion that Dave Foerster had received from Steve Langworthy, former Principal, LSL Planning, Inc., Grand Rapids, MI. Steve who was the speaker at the Summer Evening Zoning Workshop presented in Kalamazoo by Michigan Townships Association on July 26, 2007, attended by Diane Julien and Dave Foerster.

Paw Paw Lions Club request for consideration of change to Future land Use Plan. Discussion on changing special uses to allow Churches, Fraternal Orders, etc.. in residential areas. If it changes to commercial use the current owner could sell and any type of commercial use would be allowed.

Chase made motion to deny Lions Club request to change the Future Land Use Plan to commercial for their property. Planning Commission agrees to propose changing residential zoning to allow Fraternal Organizations as Special Use in residential districts.

Seconded by Mayo. Motion passed.

Pat Hudson was excused at 8:30pm. after it was decided to work on ordinance language.

Discussion on **special uses** – Re Tony Millek’s question, do special uses have to be reissued every year? It was stated that once granted special uses go with the property like a zoning change and are not subject to further review.

Next meeting Commission will work on commercial zoning ordinance – ingress and egress to commercial district.

Other actions:

Foerster made motion to add **Casey Ziemba property** on M-40 South of M-43 to commercial in the Future Land Use Plan but subtract the two properties on 40th St. & M-43. Julien seconded. In related discussion a question was raised as to what was voted on at the last Township Board meeting: Was it the Board’s intent to expand commercial around M-40 & M-43 intersection only or entire length of M-40 & M-43? Attending Board members could not agree on what had been agreed to.

Vote: LaPine yes, Chase no, Wilcox no, Foerster yes, Mayo no, Julien yes.
Tie vote – will address at next meeting.

Meeting adjourned at 9:22pm.

Diane Julien
Recording Secretary
Waverly Township Planning Commission

Attachment 1: MDOT Re Highway Access Management
Attachment 2: Langworthy Re Waverly Zoning Ordinance

From:



Brett Arrans Hide

To:



foerdog@aol.com

Cc:



Sarah Woolcock

Date:

Mon, 13 Aug 2007 4:09 pm

Dave,

Attached are the design spacing criteria we attempt to enforce along state trunklines. They include adjacent and offset spacing. I will try to get the Rules and Regulation scanned and email to you along with the Access Management Guidebook as quickly as possible.

Please keep in mind that MDOT is obligated by law to provide "reasonable access". Therefore, once parcel splits are approved and property is sold to separate owners with no other access points, MDOT cannot deny access without condemning the property.

Sincerely,

Brett Arrans
Permit Agent, Coloma Transportation Service Center
3880 Red Arrow Highway
Benton Harbor, MI 49022
Phone: (269)-849-1494
Fax: (269)-849-3189

Subject: Re: Waverly Township Zoning
Date: 8/9/2007 11:52:26 A.M. Eastern Daylight Time
From: slangworthy@gmail.com
To: Foerdog@aol.com

Note: Steve Langworthy, former Principal, LSL Planning, Inc., Grand Rapids, MI, was the speaker at the Summer Evening Zoning Workshop presented in Kalamazoo by Michigan Townships Association on 26-Jul-2006, attended by Diane Julien and Dave Foerster.

Dave, I'll do the best I can in this forum to address your questions. See my responses below.

On 8/9/07, Foerdog@aol.com <Foerdog@aol.com> wrote:
Good morning,

Thank you very much for the thorough perusal of our zoning ordinance. I have just finished reformatting it after finding four different electronic versions of it on Township computers, none of which were identical matches to the zoning book I was given when appointed to the PC. It's apparent I missed a few things; your comments are very much appreciated. At this point I am pretty comfortable that we have a solid baseline to work from but my concern is keeping it solid. Are you aware of any simple cookbook instructions regarding configuration management?

Ordinance management is always a concern. However, as a Township official document, it should be maintained under the control of the Township. As a consultant I was often the "keeper" of the ordinance for some communities, but under direct contract to the community for that purpose. Your Township Attorney may be able to do this as well. If the proper procedures are followed and records kept at the Township Board level, it should be possible, if not easy, to maintain the ordinance language. I wish there was a magical answer to this, but there really isn't.

I do have technical concerns about the ordinance which you did not comment on. Since we are working commercial, I will focus the questions there.

Section 3.7, page III-7 presents our commercial district regulations. If we identify new commercial zones in our future land use plan, and the parcels are subsequently rezoned commercial, is there any basis for denying land splits as small as allowed by the zoning regulation, i.e., 6000 sq ft with 60 foot frontage on the highway? And if the land splits were to be granted, is there any way that driveway permits could be denied along a state highway for each of these small parcels? We have been advised not to worry, that state law will protect us from having too many curb cuts.

The parcels are small, but I didn't comment on them in that this is largely a policy issue. Also, I didn't have your master plan so I don't know about consistency with it. As for curb cuts, do not count on the County or MDOT to manage access. They are very limited

in their ability to do so, and, in fact, often rely on the local community to do it for them. While they must issue permits that meet their requirements, the Township is not required to allow the curb cut. This is part of the answer to some of your other inquiries. One of the reasons for site plan review and having special land use standards is to provide a means by which the Township can regulate access to individual properties, by encouraging or requiring frontage roads, shared driveways, etc.

Section 3.7 defines both principal and special uses. No standards are defined to differentiate special uses from standard uses. This being the case, does special use have any particular meaning? It has been strongly suggested by local officials that to define standards for special uses is unnecessary and is, in fact, over regulation. If this be consensus of the Township Board, would we be better off eliminating special uses all together? I am not sure at this point how our PC would review a special use application.

As noted above, having special land use standards is critical to their review. As I mentioned in the session - what makes the use "special?" What problems or issues can be anticipated as a result? We talked, for example, about drive through restaurants. What effects could be anticipated and how could those be addressed in the ordinance and related directly to those uses? That is the purpose and use of having specific standards for SLUs. As for "overregulation," that is more of a philosophical point. My own response would be that it isn't a question of the amount of regulation, but the quality of it. Can we avoid future problems by using our ordinance to the greatest effect? This is not only the fairest thing for the applicant, but allows the Township to act on a more consistent basis.

Section 5.01 on page V-1 requires a site plan for all commercial uses. Section 5.04H on page V-3 provides direction for review of the site plans and lists items, among others, that should be considered in the review. Again, no standards are provided and again, the issue of over regulation arises.

For site plan review, we don't always have very specific standards. I've attached two examples of site plan review standards that get you part way there. I hope this helps. Good luck.
Steve –

Steve Langworthy
Director, Land Use & Long Range Planning
City of Dublin, Ohio

REVIEW STANDARDS

The following standards shall be utilized by the Planning Commission in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of site plans as well as for the reviewing authority in making judgment concerning them. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, or innovation.

- A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- B. Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
- C. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within Sherman Township.
- D. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- E. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
- F. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein, and adjacent thereto. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
- G. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Fire Department.
- H. All streets and driveways shall be developed in accordance with the Township Subdivision Control Ordinance, the St. Joseph County Road Commission, or Michigan Department of Transportation specifications, as appropriate, unless developed as a private road in accordance with the requirements for private roads in this Ordinance. Except that the Planning Commission may impose more stringent requirements than those for the Road Commission or Department of Transportation with respect to driveway location and spacing. In addition, sidewalks may be required if determined to be necessary or appropriate for pedestrians and non-motorized vehicles.
- I. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater, prevent erosion

- and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
- J. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of buildings or structures shall be minimized to reduce light pollution and preserve the rural character of the Township.
 - K. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from Residential Districts or public streets, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height. The finished side of any wall, fence, or other screen shall face adjacent properties.
 - L. Entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of entrances to and exists from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location of the surrounding streets, the effect of traffic in the area, nearby topography, and other factors.
 - M. Site plans shall conform to all applicable requirements of County, State, Federal, and Township statutes and ordinances. Approval may be conditioned on the applicant receiving necessary County, State, Federal, and Township permits before final site plan approval or an occupancy permit is granted.
 - N. Appropriate fencing may be required by the Planning Commission around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands.
 - O. The general purposes and spirit of this Ordinance and the Master Plan shall be maintained.
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- 1. Standards for Site Plan Approval: Site plan approval shall be granted only if the site plan meets all the applicable requirements of this Ordinance and the following standards:
 - a. Site Design Characteristics
 - (1) All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property, and the type and size of buildings.
 - (2) The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance.
 - (3) The site shall be designed to conform to all provisions of this Ordinance.

- (4) Redevelopment of existing sites shall be brought into conformance with all site improvement provisions of this Ordinance relative to and proportionate to the extent of redevelopment, as determined by the approving authority.
- (5) All buildings or groups of buildings shall be arranged so as to permit emergency vehicle access by some practicable means to all vehicles.
- (6) Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways.
- (7) Exterior lighting shall be designed so that it is deflected away from adjacent properties and so that it does not impede the vision of drivers on public streets, adversely impact abutting properties or adversely impact the natural evening sky.

b. Environmental Standards

- (1) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, alteration to the natural drainage courses, and the amount of cutting, filling and grading.
- (2) Natural features and the site topography shall be incorporated into the proposed site design to the maximum extent practical.
- (3) Buildings and structures will be placed to preserve environmentally sensitive areas.
- (4) Landscaping buffers and/or greenbelts may be required to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- (5) Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby surface water bodies. These sites shall be designed to meet all applicable state and federal regulations.

c. Vehicular and Pedestrian Circulation

- (1) The expected volume of traffic to be generated by the proposed use shall not adversely impact existing roads and the circulation thereon.
- (2) Driveways shall be located to minimize conflict with traffic operations on the adjoining road. The number of driveways

shall be the minimum needed to provide reasonable access to the site.

- (3) The width of streets and drives shall be appropriate for the existing and anticipated volume of traffic.
- (4) The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area.
- (5) Off-street parking and loading areas shall be provided where required with particular attention to noise, glare, and odor effects of each use in the plan on adjoining properties and properties in the proposed development.
- (6) Safe, convenient, uncongested and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets and other elements shall be designed to promote safe and efficient traffic operations within the site and at its access points.
- (7) The arrangement of public or common ways for vehicular and pedestrian circulation and their connection to existing or planned streets in the area shall be planned to operate in the safest and most efficient means possible.

d. Stormwater and Erosion Controls

- (1) Stormwater management system and facilities shall preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and shall not substantially reduce or increase the natural retention or storage capacity of any wetland, water body, or water course, or cause alterations which could increase flooding or water pollution on or off the site.
- (2) Stormwater management facilities shall be designed constructed and maintained to prevent flooding and protect water resources and may be incorporated into the open space portions of a development site.
- (3) Areas of natural drainage such as swales wetlands or ponds shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat preserve drainage patterns and maintain the natural characteristics of the land.
- (4) Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or nearby bodies of water.
- (5) Provisions shall be made to prevent erosion and the formation of dust during and after construction. Efforts should be made to reduce/minimize the amount of

impervious surfaces, such as using infiltration basins
trenches or dry wells grassed (vegetated) waterways or
swales, or rain gardens in yards or parking lots.

- (6) Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.

- e. Public Services: The scale and design of the proposed development shall facilitate the adequate provision of services currently furnished by or that may be required of the City or other public agency including, but not limited to, fire and police protection, stormwater management, sanitary sewage removal and treatment, traffic control, and administrative services.

- f. The general purposes and spirit of this Ordinance and the Master Plan of the City shall be maintained.