

MINUTES
WAVERLY TOWNSHIP
PLANNING AND ZONING COMMISSION
Regular Monthly Meeting & Public Hearing - Waverly Township Hall
August 11, 2008

Chairman Larry Chase called the meeting to order at 7:02 p.m. and asked the Planning and Zoning members to introduce themselves; Larry Chase, Nathan Rohr, Joe Mayo, Bernard Wilcox, and Fay Dorr. Also present were; Audience 40, Attorney Schuitmaker, Zoning Administrator Tasha Smalley.

Absent: Diane Julien and Mike LaPine.

Agenda: Accepted as corrected

Minutes: Motion made by Dorr to approve the July 14, 2008, minutes as amended. Seconded by Mayo. Voice vote, all yes, motion carried.

Township Board Report: Dorr deferred to Attorney Schuitmaker to make the report concerning the presentation to the Township Board concerning the future land use map and the zoning map technical changes due to mistakes on the official map. Dorr again will address the need for a recording secretary for the P&Z board at the September meeting.

Chase adjourned the regular P&Z meeting at 7:17 p.m. Attorney Schuitmaker addressed public about the special use permit on 37th St. and explained the procedures of the hearing and that the special request is not for a group home, it is a boarding school and will require State licensing.

Chase asked William and Kelly Napp, the petitioners for the Special Use Permit, to introduce themselves and explain their proposed program for troubled teens. William Napp gave presentation. Harvest Ministry was formed in 2005 and bought the property on 37th Street. It is a four phase program with a school on-site for a maximum of 24 co-ed teens but separate male/female housing, tuition based, required parent involvement, 8 to 18 month program is voluntary, will raise animals on-site for program participant consumption, staff of six would change three times each day, three certified teachers participation, limited license psychologist participation, 501c3 organization.

Phase 1 – One building with 6 teens

Phase 4 – Four buildings with 24 teens (extended long term goal)

Chase opened to audience comments:

- Resident A: Property values will decrease, slow police/ambulance/fire response in rural area, boarding school not specifically listed in zoning, it won't be AG anymore, this is a commercial venture.
- Resident B: Property values will decrease, will bring untold problems to neighborhood, Bill Napp never approached the neighbors, he rebuilt the kitchen in the main farmhouse and the wiring in the house will never pass state code, expansion for additional separate housing is not conforming with the neighborhood.
- Resident C: Lived in Clinton Township 4 years and his former boss had a similar program that did not work, expansion of more houses on the property is not conforming to the neighborhood.
- Resident D: Property values will decrease, additional housing does not conform to the neighborhood, cannot keep 24 teens on their own property, has young children and does not want them hurt by troubled teens, they hunt and have a pond on their property and don't want the teens straying over there.
- Resident E: Run off from the former pig farm on that property was sited by the DEQ, the septics for that many people will pollute the ground water.
- Resident F: Lived on her property 10 years and there are more than 14 neighborhood children that will be adversely affected by 24 troubled teens in the neighborhood, it is an AG area, serious concerns with the program.
- Resident G: Too many people on one property.
- Resident H: Built her dream house on her 40 acres and does not want the neighborhood ruined.
- Resident I: Presented a list of area residents who could not attend the meeting and are not in favor of the project.
- Resident J: Peaceful neighborhood will be destroyed.
- Resident K: Her husband is in the military overseas and presented his letter of objection.
- Resident L: Resident for 28 years, program not good for this area, retired State trooper, crime will increase and property values will decrease.
- Resident M: Untold numbers of problems will continue to arise if the project is allowed.

General comment: Area is peaceful & quiet. A home as proposed would detract from this. Drainfields would be an eyesore.

Chase opened to Planning and Zoning Member questions/comments with Napp answers:

- Problems of the teens? A. At-risk, substance abuse, out of control at home, no criminal sexual misconduct.
- Animals will be to feed teens and staff.
- Separate male/female houses
- One teacher, three full-time staff, closed campus, no fence.
- Source of referrals? A. court referrals, parents request, teen's request.
- Sewage problems? A. Health Department controls this.

- Program track record? A. Traverse City and California programs have no delinquent acts by the teens
- Traffic increased? A. 24 residents, parents must commit to weekly counseling too, parents visits on Thursdays 4 to 9 pm
- Soil surveys, above ground septic may be required.
- No kitchens in the homes, food will be carried from the main house.
- Track record good pertaining to incidents with kids over a 20 year history.
- Teens cannot leave premises. Sherriff is notified if they do.

Public Hearing closed at 8:14 p.m.

Reopened Regular P&Z board meeting at 8:14 p.m.

Chairman Chase read individually General Standards for Special use permit with input from the commission

FINDING OF FACTS:

1. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the township land use plan. Dorr: No, educational specifics are not in AG, would be a better fit in R1 where such uses are specified.
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area. Chase: No, will drastically change area because of the multiple dwellings, rural community with single family dwellings, low traffic will be changed to high traffic, poor emergency services responses in rural area, will be a burden on the rural infrastructure, concerns of decreased property values in vicinity, concerns of disruption of the nature of the community voiced by repeated citizen statements.
3. Will not be hazardous or disturbing to existing or future neighboring uses. Chase: No, the health and safety response times, higher traffic on a rural road.
4. Will substantial improvement to property in the immediate vicinity and to the community as a whole. Chase: No, it is not a substantial improvement to vicinity due to adverse effect to single family dwellings, land values, traffic patterns.
5. Will be adequately served by essential public facilities and services such as highways, streets, police, fire, drainage, refuse disposal, schools, and the persons or agencies responsible for establishment of proposed use shall be able to provide adequately any such service. Rohr: Service speed cannot be used as a proven fact of inadequacy. Smalley: Response times of emergency services would be the same for all persons on that road, not slower or faster due to Harvest House. Would increase use of streets.
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. Chase: highways and street use will be increased by more traffic and congestion on a rural road. Dorr: It is a 501c3 organization, therefore, will create no additional tax base to support infrastructure costs or emergency services.

7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. Chase: This does not appear to be a problem.
8. Will be consistent with the intent and purposes of this ordinance. Mayo: There are no educational specifics in AG, only in R1; therefore is not consistent with the intent and purpose of the ordinance.

MOTION: Mayo moved that with 6 of the 8 facts of findings were found not in favor of the special use permit and that planning and zoning disallow the request. Wilcox seconded. Roll call vote: Dorr, Yes; Wilcox, Yes; Chase, Yes; Mayo, Yes; Rohr, No. = 4 yes, 1 no to disallow request.

Special use portion of the meeting ended at 8:45 p.m.

FUTURE LAND USE AND ZONING (FLUP)MAPS:

All changes approved by the P&Z at the July meeting were overseen by the attorney and P&Z agreed the changes are correct.

Joe Mayo moved to have a public hearing for the map changes at the September 2008 P&Z meeting. Wilcox seconded. Voice vote all yes, motion carried.

AUDIENCE COMMENTS:

1. Proposed use of the property on 37th Street will make a hostile neighborhood and do no good things for the teens.
2. A teen from the half-way house in Bangor had a run away teen come to his barns on 34th Avenue. The Sheriff and State Police were not responding to his call for them to pick up the youth, until the youth went back into the barn and brought out one of the hatchets stored there because the youth did not want to go back to the half-way house.
3. Only 10 letters were sent to the residents on 37th Street because the ordinance says "within 300 feet of the proposed change" and the residents think that was not sufficient notice to the neighborhood.
4. Should have approached neighbors first on use of land.

P&Z COMMISSIONER COMMENTS:

1. The Special Use Permit issue will come before the Township Board at their September meeting.
2. Dorr explained to the assembly that the intent of the Zoning Ordinance is not an exclusionary document to affect the township negatively; rather it is a positive document to protect the township's residents and properties for positive developments. Since 1978, many township residents have faithfully served on the P&Z to ensure our township is developed positively.

Meeting adjourned at 9:02 pm.