

MINUTES
WAVERLY TOWNSHIP
PLANNING AND ZONING COMMISSION
Regular Monthly Meeting - Waverly Township Hall
June 09, 2008

Meeting called to order at 7:03 p.m. by Larry Chase

Commission members present: Larry Chase, Bernie Wilcox, Fay Dorr, Diane Julien, Nathan Rohr, Joe Mayo,. Absent : Mike LaPine.

Number of visitors present and signing visitor roster: 4

Motion to accept agenda as amended and corrected by L. Chase. Seconded by Diane Julien. Agenda was approved as amended and corrected.

Regular meeting suspended at 7:06 p.m. and opened the public hearing to hear audience comments on the planned amendments to the Future Land Use Plan (FLUP).

Dave Foerster brought up non-compliance of public notice to amend FLUP & zoning maps and presented each P&Z member with an 18 page document (Exhibit A) of his comments regarding the FLUP amendments and publishing procedures. Outlined as follows:

1. Meeting not properly noticed. Needs two notices and only one was published, which was too late for the first and too early for the second.
2. Newspaper notice did not have all the topics listed regarding amendments.
3. Surrounding township mailings were not on time. Especially the corner townships.
4. The FLUP map had 800 of low density residential returned to AG. No personal notices were sent to the land owners
5. Land owners should have been notified of the tracts of land that went from AG to commercial.
6. There was no notice on the township hall door regarding the public hearing.
7. He wanted the changes on the internet website.
8. He had trouble getting copies of the amendment pages from the township clerk and attorney.
9. Zoning map deleted the commercial designation on the Roy Deitrich and Ernie Brown properties.
10. Amendments require a statement of the rationale of why the changes were made.
11. Township website shows errors on the zoning map and FLUP map & locations.
12. Soils on the newly designated commercial properties are poorly suited to development.
13. Disagrees with removing the 800 acres of low density residential because the soils are suited to development.
14. Wants the P&Z members to read all his data before passing the amendments.
15. Claims that the Ziemba property is not suited to commercial development.

There should be notes in the FLUP that before zoning is approved, the land must support the building development proposed.

Ernie Brown stated the horticultural districts were never personally noticed before designation was changed from AG to Horticulture.

Tony Millek stated the notice procedure should be changed because information to the people involved is good. Develop a procedure for notification before it happens to get the correct input.

Larry Chase over no objection by board members, closed Public Hearing at 7:25 p.m.
Re-opened P&Z meeting

Larry Chase queried commission concerning FLUP amendments and public hearing comments.

Chase stated there are two courses of action. 1. Approve the amendments tonight. 2. Use the 18 pages of information and make a decision at a later date.

Julien: Wait and take the information home to read.

Mayo: Need another hearing to become legal.

Chase: Attorney stated this is a legally noticed public hearing.

Foerster: Notice in paper was incomplete. Attorney was given a copy of the notice and an email copy on Thursday, June 5, the morning of the Township Board Meeting. Attorney stated at the meeting, he had not had time to read it.

Rohr: Do all the things have to be individually listed?

Foerster: Doesn't know if all things must be listed but some things were listed but not all. Doesn't know the level of required detail.

Dorr: Fay Dorr asked Foerster if the individual land owners were notified prior to the 800 acres of AG being designated as low density residential. Answer: Individual notices were not sent.

Wilcox: Talked to two of the principal land holders in the areas in question and they were NOT in favor of low density designations.

Mayo: Notifications should be sent. No sweeping under the rug.

Chase: Wants to put it off until next month. P&Z members are asked to read the 18 pages and bring comments to July meeting.

Dorr: That will put off approval of the amendments until September or October. The Attorney Harold Schuitmaker said the notice is legal.

Chase: Collect the information we need and address the amendments at the next meeting.

Dorr: The approval of the amendments will be put off for too long.

Foerster: Wants 20 days to review the amendments before another public hearing.

Motion made by Diane Julien to review public notice procedures pursuant to FLUP and zoning map issues and to review public notification process at July meeting. Bernie Wilcox seconded. Motion passed unanimously.

Motion made by Fay Dorr to table FLUP amendments approval until a later date. Seconded by Joe Mayo. Motion passed unanimously.

Tasha Smalley of Michigan Township Services (MTS) reported on Site Inspection of property owned by Ernest Brown. This was followed by board discussion of points of contention which are:

1. Retention basin are not installed
2. Swales are not installed
3. Parallel parking in rear of building not installed
4. Southside driveway not installed
5. Dumpster pad not installed
6. Front parking areas not well defined
7. Semi-trailer to be removed from parking area

Smalley: Brown has done #6 & #7. Brown is in zoning compliance with number of parking spaces

Motion by Fay Dorr to amend the Ernie Brown site as follows:

1. Property has permeable soils therefore no retention pond and rear swale are necessary.
2. Current 9 parking spaces meets the zoning ordinance requirements.
2. Dumpster pad is unnecessary because dumpster is stored inside.

Joe Mayo seconded motion. Motion passed with 5 yes 1 no vote by board.

Agenda item 6 concerning AG District and including

- A. Roadside stands
- B. Kennels
- C. Bed & Breakfast

Smalley, Zoning Administrator, asked when horticultural districts were changed back to AG, the roadside stands, kennels, and bed & breakfasts did not reappear in the AG. Smalley stated that Bed & breakfasts were never in AG and therefore should be a special use in AG. Roadside stands fit into AG as it is currently stated. Kennels are considered agri-business under the right to farm act and would therefore fit into AG as it is currently stated.

Board agreed first two items comply. Third item needs to be added to the text of the zoning ordinance.

Discussion was tabled to a future date. Joe Mayo suggested making this item a future agenda item.

Minutes corrections, additions, approval for April meeting & May meeting.

Motion made by Fay Dorr to accept April minutes as corrected. Seconded by Joe Mayo. Motion passed unanimously.

Motion made by Fay Dorr to accept May minutes as corrected. Seconded by Bernie Wilcox.
Motion passed unanimously.

MOTION made by Mayo to reappoint all the current officers, Chase as chairman, Wilcox as vice-chairman, Rohr as recording secretary. Seconded by Wilcox. Motion passed unanimously.

Fay Dorr gave TWP board report:

A.) Taking, Keeping and Publishing minutes and breakdown of that process

P&Z members agreed on the following list regarding minutes.

1. Recording Secretary takes and transcribes the minutes of the P&Z meetings.
2. Recording Secretary must give the Township Clerk the proposed/draft minutes within 8 business days of the meeting.
3. Township clerk posts the proposed/draft minutes on the website and files the proposed minutes in a binder.
4. Township clerk emails and/or postal mails the proposed/draft minutes to the P&Z members.
5. Township clerk makes 5 copies of the proposed/draft minutes, placing them on the table for the public to pick up on meeting night.
6. P&Z approved the proposed/draft minutes at the next regular P&Z meeting.
7. Approved minutes should be emailed to the township clerk within 5 business days of the regular P&Z meeting and the approved minutes be posted on the website in place of the proposed/draft minutes. Copy of the approved minutes should be placed in the binder on top of the proposed/draft minutes (which should be kept).
8. At the end of each calendar year, the township clerk should copy the entire year of minutes onto a CD, which should be locked in a fire proof cabinet. Approved minutes should be kept on computer and CD for more permanent storage. How can minutes best be archived?
9. Open Meeting Act guidelines should be followed.

B.) TWP board voted not to re-address the issue of Farmland Preservation (FP) in FLUP. FP will be addressed on a case by case basis.

Public Comment:

Millek: The township board is currently looking for a paid recording secretary for the P&Z.

Foerster: P&Z members should to the PA 33 training in Kalamazoo or Benton Harbor.

Commission comment: None

Motion made to adjourn meeting by Joe Mayo. Fay Dorr seconded. Passed Meeting adjourned approx 9:55 p.m.

Nathan Rohr
Recording Secretary
Waverly Township