

MINUTES
WAVERLY TOWNSHIP
PLANNING AND ZONING COMMISSION
Regular Monthly Meeting - Waverly Township Hall
March 09, 2009

Meeting called to order at 7:03 p.m. by Fay Dorr.

Members present: Tony Millek, Tom Fleetwood, Fay Dorr, Mike LaPine, Bernard Wilcox, Diane Julien and Nathan Rohr.

Members absent: None

Public present: 15

P & Z commission members present introduced themselves to the public in attendance.

F. Dorr adjourned P&Z meeting at 7:04 p.m.

F. Dorr opened public hearing at 7:04 p.m.

Public hearing item: Special use permit application by Internet 2000 for construction of tower. Tower is for wireless internet and will have 3.5 mile approximate radius.

B. Wilcox gave report of Board of Appeals meeting concerning variance for construction of tower. After discussion of project variance was approved.

T. Millek stated variance was to allow tower within 1,320 ft. of residential zoning. Tower is to provide wireless internet to the area residents and board felt due to the design of and use of this did not fall under the category of normal towers and restrictions related thereto.

F. Dorr described special use permit was to allow tower construction on township property.

B. Wilcox presented site plan to public in attendance.

Commission comment:

T. Fleetwood said he talked to area residents and majority in favor of tower.

D. Julien said she has one near her and it has no affect on surroundings.

N. Rohr stated he would gladly put one on his property and not worry about any detrimental effects to his property.

Public comment:

Ms. Smalley stated that Twp hall is surrounded by various zoning districts. Internet is popular for residences and tower would be for residential use.

Rex Schneider asked about cost versus benefit.

Mr. Jones stated tower will affect property values. He then cited certain provisions in zoning ordinance that shows conflict, including a different tower in the vicinity.

D. Foerster asked why other tower isn't feasible.

S. Van Wieren stated that using other tower would be cost prohibitive and site distance would be a detrimental factor.

T. Smalley said papers on cost restriction can be submitted on conditional approval.

F. Dorr adjourned public hearing at 7:36 p.m.

F. Dorr re- opened P&Z meeting at 7:36 p.m.

N. Rohr read aloud the finding of facts and commission voted on each one as read.

FINDING OF THE FACTS FOR SPECIAL USE PERMITS
Reference: Waverly Township Zoning Ordinance #6; pages XIII-2 and XIII-3

- A. General Standards for Making Determinations: The Planning Commission shall establish the facts and shall find adequate evidence showing that the proposed use:
1. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the township land use plan.
All commission members agree in the affirmative.
 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 a use will not change the essential character of the same area.
All commission members agree in the affirmative.
 3. Will not be hazardous or disturbing to existing or future neighboring uses.
All commission members agree in the affirmative.
 4. Will be substantial improvement to property in the immediate vicinity and to the community as a whole.
All commission members agree in the affirmative.
 5. Will be adequately served by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, schools, and the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
All commission members agree in the affirmative.
 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.
All commission members agree in the affirmative.
 7. Will not involve any 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.
All commission members agree in the affirmative.
 8. Will be consistent with the intent and purposes of this ordinance.
All commission members agree in the affirmative.

Motion to approve special use permit with caveat of placement of the proposed tower on the original site plan will be moved to the northern section of the township property to be approved administratively by the zoning administrator, made by B. Wilcox. Seconded by T. Fleetwood.

Roll call vote with all commission members present. Motion carried unanimously.

Agenda: Motion made by B. Wilcox to accept as presented and amended. Seconded by T. Fleetwood. Voice vote unanimous to approve.

Minutes: Motion made by B. Wilcox to approve the February 09, 2008 minutes as presented and corrected. M. LaPine seconded motion. Voice vote unanimous to approve.

TOWNSHIP Report – T. Millek

- a.) Accepted bids concerning cemeteries and the creation of a database which includes cleaning up the records.
- b.) Approved balanced budget for fiscal year 2010. This includes a \$10 payraise for the planning commission.

New Business:

Waterfront yards:

Discussed front yard terminology, definitions and regulations concerning setbacks and Right of Ways. Possible changes were presented based on information presented by T. Smalley and township attorney.

N. Rohr questioned some of the terminology used.

T. Millek wants to reduce size of R-O-W currently set as 66 ft.

Suggestions were discussed as to ways to clean up and remove conflicted wording. After discussing ideas it was agreed by all commission members that more time was needed to study the situation.

Motion made by M. LaPine to table having a public hearing at present. Seconded by B. Wilcox Voice vote unanimous to approve.

Chairperson Dorr suggested limiting amount of workload to be scheduled for any public hearing. Dorr suggested rank ordering of and prioritizing topics for P&Z consideration. Dorr announced a meeting at the Allegan Township Hall concerning the Michigan Planning and Zoning Enabling Act, and the new publications that govern. Meeting to be held Thursday, April 30, 2009.

Commission comment: none

Public comment: none

Motion made by T. Millek to adjourn meeting. Seconded by T. Fleetwood. Voice vote unanimous to approve.

F. Dorr declared the meeting adjourned.