

These are the minutes of the September 1, 2005 Planning Commission meeting.

Meeting called to order at 7:30 p.m. by Chairman Shields.

Present: Heasley, Shields, Parmelee, Myers, Coffey, Davis and Mark Sisson.

Absent: Immink

Davis made a motion to approve the August 4, 2005 minutes as presented, Coffey seconded, motion carried.

Township Board update - Parmelee - Board didn't act on Oakland Hills subdivision. Still waiting for more information.

New Business:

Todd Folkert is requesting a special use permit to build an accessory building in front of his house located at 3711 36<sup>th</sup> St., Hamilton, MI, parcel 0319-031-012-30. The request is pursuant to section 11.09(d) of the zoning ordinance. A variance was granted on 7/21/05 by the ZBA to allow the building to be within 10 feet of the front yard right of way. This request is unique in that the house has 3 front yards.

Todd Folkert explained the situation of the property to the PC. No matter where he places the building he will need a special use permit. The building will be used for storage and personal workshop (approximately size 24' x 32').

Public Comment:

Ronald Blood (neighbor) has concern of building driveway and road safety. Paul Sheridan, Ronald Blood's attorney, questioned if the building could be placed between the house and 36<sup>th</sup> St. He also noted concern of road hazards, landscape to shield the building, and opposition to the building.

Gary Rouwhorst (neighbor) and Daniel Gutuescu (neighbor) both see the driveway to the building as a positive. They do not see any safety hazards and agree that there will be more sight distance, contrary to Mr. Blood.

Todd Folkert explained he has limited options on where the building can go. If built between the house & 36<sup>th</sup>, the slope is too steep. There is more of a safety concern going down the hill and having a drive there.

Davis & Coffey expressed concern of the 10' easement and being in the right of way. If parking/pulling a boat/trailer from the building the vehicle will be in the right of way. Discussion revolved around turning the building parallel with the house to allow more room to get vehicles in and out of the building safely without going into the right of way. After further discussion, Myers made a motion to approve the special use permit with the

following conditions:

1. Turn the building, rotating parallel with the house to remove off right of way
2. Use existing driveway to access building
3. Screening of 5' - 7' evergreen trees to fill in the open space equivalent to staggered row 10' apart on the NE side to limited view. These trees shall be maintained adequately.

Davis seconded, motion carried.

Rezone Request:

East Lake Homes is requesting approximately 41.8 acres located at 3679 36<sup>th</sup> St., Hamilton, MI be rezoned from A-2 to R-1 to develop into 1 acre lots for housing.

Mike Nyhoff explained to the PC that he wants to build houses on 1 acre lots, similar to the Rolling Oaks subdivision. These smaller lots are more affordable for home buyers and do not waste as much land as 2 acre lots. From a builder's standpoint, this property works well for one acre lots. Sandy ground w/clay barrier. Well water is not a problem.

Mark noted that the surrounding property is zoned R-1, although two acre parcels to the South are the normal. East and West are not developed yet. The master plan has this area designated as RP Rural Preservation (lower density).

The question was raised how many lots can he achieve under the current A-2 zoning with a conservation subdivision vs R-1. About the same number of lots can be developed; however it is more costly to the developer to develop a conservation subdivision.

It was also noted that this property is allowed approximately 9-11 splits with a private drive.

Shields questioned why are you steering towards lower priced homes w/smaller lots. Why not attract higher priced homes with a higher cost?

Nyhoff answered that the further the property is out of town, people want an area to build a pole barn, etc. Walking trails/conservation subdivision not positively viewed by buyers further out of town you go. He has researched into that and has proven facts. He noted that the 35th Street development is priced higher (\$200,000) and that is about as far out of town that he would like to go.

Public Comment:

Jim Vandeweg - he's lived out here for 6 years and does not want less than 2 acre lots near his property. For decent living you need a larger lot.

Daniel Gutuescu presented aerial photos to the PC. His concern is for the wildlife. If the development goes in, there will be no where for the wildlife to go. More is not necessarily better. Concern for crime rate, school and environmental issues.

Kim Fassett/Keith Schoner presented a petition to the PC listing 60+ names opposed to the rezoning to R-1. They do not want a development near them. They have concern of water and

septic issues.

Keith Coffey has the following concerns:

1. Taxes on surrounding houses
2. Affect farming in the area
3. Crime and cost of prevention to tax payers
4. Fire protection and cost
5. Traffic concern
6. Wants larger parcel
7. Price range of homes
8. Will affect your children down the road

Tom Long - water concerns and too many houses. How will he clear the property? Termites through prior development and this must be addressed.

Mark explained that the state health department standards for well and septic must be met. New wells coming in wouldn't impact current home owners. New wells would be below the clay layer - much lower.

Doug Coffey and Keith Coffey - are concern that their wells are in marshall formation. They do not want this development.

Jenny Overbeek has concern of 136<sup>th</sup> & 36<sup>th</sup> St. Culvert. Is this equipped to handle traffic?

Glen Avery questioned if the township proposes what percent of property in A-2 to be rezoned to R-1. Mark answered no. Every home owner has the right to request a rezone.

General discussion followed. Mike Nyhoff indicated that one of the concerns in developing this parcel is Kim Fassett's property. The wildlife will still remain as there will be land left open for this. Price range of homes will start at \$150,000. People that moved into the township in the last 10 years don't want any other homes coming in. If there are other parcels out there to develop, he would like to know.

Davis stated that she thinks the property can be adequately served as A-2.

Coffey abstained as he is a neighbor to this property.

Mark Sisson brought up the concern of septic. The soil survey raised a red flag as severe limitations for this parcel (sandy soils and close to the Rabbit river)

Parmelee voiced a concern of septic problems years down the road. Public water and sewer are not available, nor will be in the distant future. This property can be developed adequately as is. Concern also of additional traffic. Also Mark's comments center against the rezone. Shields brought up that he would like to have more consideration on issues raised tonight regarding this rezone.

Myers noted that this request as all requests should go hand and hand with the master plan and/or revisions.

Heasley agreed with Davis - this parcel can be adequately served as A-2.

After further discussion, Davis made a motion to deny the request, Parmelee seconded, roll call vote:

Davis - yes

Shields - no

Heasley - yes

Parmelee - yes

Myers - yes

Coffey - abstained

Request denied 4-1.

Contract zoning: Mark Sisson presented a handout to the PC on contract/conditional zoning. This will be a new proposed ordinance Chapter 24 and 18.04. Applicant must present the plan to the PC with specific conditions. There can be negotiations, and limitations will be placed. He then went over the proposed ordinance change. He also pointed out the PC that we must be selective on whether or not contract zoning is approved. Beware of any inconsistency on the master plan map.

Coffey made a motion to hold a public hearing on the contract/conditional zoning at the October 6, 2005 meeting, Parmelee seconded, motion carried.

Other:

Parmelee talked with the president of the gun club. He's open to meeting with 2 or 3 PC members on a Monday or Wednesday to take a tour and discuss the operations of the club.

Alice, Al & Earl will set up a time to meet before the next meeting.

Also scheduled will be a work session meeting for the PC on Monday, October 10, 2005 at 7:00 p.m.

Coffey made a motion to adjourn, Davis seconded, motion carried. Meeting adjourned at 10:10 p.m.

Submitted by,

Cris Heasley, Secretary  
Salem Township Planning Commission