

These are the minutes of the May 3, 2007 Planning Commission meeting.

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

Present: Shields, Myers, Heasley, Oosterink, Coffey, Davis and Mark Sisson

Absent: Parmelee

A motion was made by Davis to approve the April 16, 2007 minutes as presented with the following change:

on page 5 motion to table the Master Plan, Coffey seconded motion, not Davis. Coffey seconded, motion passed.

A motion was made by Myers to approve the April 26, 2007 minutes as presented, Oosterink seconded, motion carried.

Inquiry of Conflict of Interest: Shields for Shields Crossing site plan review. Shields stepped down, Coffey take over as Chairman.

Shields Crossing - a proposed residential development located in Section (25) on the NW corner of 26th & 140th. Rick Pulaski of Nederveld was present representing the developer. This property is 80 acres in size and the plan proposes 51 lots.

Sisson commented that his opinion is based on drawing from both site condo project as well as plat requirements. The applicant is attempting to do what's in the zoning ordinance. His memo to the PC dated May 2, 2007 (attached hereto and made a part of these minutes) is based on both objectives.

Discussion of the PC with Pulaski centered around items #1-6 on Mark's memo. #1 the consensus of the PC was that the front yard of lots 1, 10, 11, 30 and 50 are where the driveway is, or where the lot is accessed. Minimum frontage should be required.

#3 - Developer would like a "preservation buffer" as opposed to a landscaped easement. They want to keep as many trees as possible and feel the present trees will create such.

Discussion with the PC revolved around Shields St. being required to be public vs. private; also stubs to the S and E from Shields St. for future development on adjacent lots and requiring easements rather than putting in the stubs.

Fence issue - Developer will be putting in a fence to the E for the protection of the Gun Club and future residents, and are now negotiating with the Club.

After further discussion, Myers made a motion to recommend approval of the site plan according to requirements on the memo by Mark Sisson dated 5/2/07 with the following changes:

#4 - Shields St. and the stub required to be built to "over 10 lot" standards.

Stub extension be included between lots 47 & 48 to the South property line. Lot 51 be accessed from that stub not 26th St. There is flexibility of where the stub can be placed between lots 47 & 48. 66' wide easement to run from the end of the cul-de-sac to the East property line for future expansion/development. Construction is to be left up to future developer.

Other - would like fence details on final plan

Oosterink seconded said motion, motion carried.

Shields resumed control of the meeting.

Overlay Zone: Sisson brought the PC up to date on the proposed Overlay Zone from the December meeting. This ordinance is meant to protect rivers and streams by allowing minimal development near the river. Its intent is to provide buffers to maintain rivers in their natural state, preserve the fish, water quality, etc.

Discussion revolved around contiguous wetlands and whether this requirement is rational. The proposed area for buffer would be 50' back from the river or wetland. In all cases this would not be appropriate.

It was noted that the DEQ will most likely regulate more than the township. Concern of the PC is who will enforce these requirements if put in place. The County Drain Comm. has easements on the rivers designated as drains to clear if necessary.

Proposed is 5' setback from wetland, 50' from river. This ordinance will not affect farming as is according to Sisson. However it will protect against future developments on the river and control clearing of land right up to the river and will provide a protection strip.

Shields: is it necessary? Should we address now? Is there a problem in Salem Township?

Coffey: Does the agricultural GAMP actually cover this for farmers.

Davis: with more building and development in the future, if no standards are set, what will become of the river.

Public Hearing on the Overlay Zone will be held at the June regular meeting. Sisson will publish notice in the newspaper.

Township update - None

Master Plan:

Sisson read the proposed alternative language to the Master Plan draft dated 11/6/06 for Industrial Land Use (bottom of page 77). A copy of such is attached and made a part of these minutes. This change will reduce the industrial portion on 26th & 142nd Ave .

The PC consensus was that this plan better reflects the changes to the community.

Davis made a motion to remove the Master Plan from the table, Heasley seconded, motion carried.

Davis: this plan meets the requirements of what the PC has discussed.

Myers: conflict of interest. He stepped down from the PC on this issue

Coffey: this plan meets the requirements of what the PC has discussed.

Oosterink: this plan is better than before. We've downsized the industrial on 26th & 142nd to keep the industrial down to a minimum

Heasley: this plan meets the requirements and also is a compromise with the residents near 26th & 142nd.

Public Comment:

Randy Beekman: is the wording adequate to stop development in the back 40 acres?
What is contract zoning?

Sisson: there are no guarantees. This is a political process. The township can rezone property against the owner's will. He also explained the definition of contract zoning.

Katie Weber: What about development of one area as industrial?

John Van Bon: I thank the PC for listening to us residents at the last meeting and feel that we have reached a compromise by what's referenced tonight on the 26th & 142nd area.

Mary Beekman: problem with public comments from the April 16, 2007 minutes. They do not reflect all the comments made and were not accurate. The comments made in writing were not put on the website.

Heasley: Parmelee and I were made aware of that yesterday and informed the township secretary to put language such as "contact the Township for copies of the attachments" going forward. The PC is not responsible for the website.

Davis and Coffey: The PC listened to all residents at the last meeting. Our job as a PC is not to argue. The PC has done the best job possible and it's taken two year to accomplish this revised Master Plan.

Davis made a motion to recommend approval of the Master Plan dated 11/6/06 with proposed changes of the PC for the Industrial section approved at this meeting to the Township Board, Coffey seconded, roll call vote:

Davis - yes

Coffey - yes

Oosterink - yes

Shields - yes

Heasley - yes

Myers - abstain due to conflict of interest

Motion carried 5-0.

Rezone:

Davis made a motion to remove from the table the Miller/Demaray rezone request, Coffey seconded, motion carried.

Sisson presented a review of the rezone request for the corner of 26th & 142nd. They are requesting Parcel A, 5 acres, to the east be rezoned to C-1, and Parcel B, 10 acres towards the west be rezoned to I-1. Sisson read from the zoning ordinance the intended uses for both commercial and industrial. There are splits to the property as long as splits are available. We will still need site plan review should the rezone be granted.

Public Comment:

Randy Beekman: date of which date this request was going to be tabled to. Was it to be at the June meeting? Dump site is still a viable option in his opinion to develop.

Sisson: the PC sets the rules. The PC can make the motion to take the motion off the table at any time. The PC took all comments into consideration and if they feel ready to make a decision they can do so.

Mary Beekman: What about getting off site for industrial development. Have you considered strip development? My opinion is that this is strip development. The township wants to preserve country setting but this is industrial. Timing is wrong.

Sisson explained the spot zoning and also strip development

Katie Weber: Commercial and industrial uses are a concern.

Sisson went on to read current uses under A-2 zoning which is the current zoning of this parcel at 26th & 142nd. All of these defined uses are permitted at this time, some with a SUP, others aren't required.

John Beekman: Is there a better spot for this?

Davis: You are going to force business out of the township by not allowing them to rezone appropriate property. The PC has tabled this request twice. The applicant has a right to an approval or denial.

Public comment closed

Heasley - this property is what the applicant has requested be rezoned, not the dump site. We need to address this request only.

Oosterink: this plan is better. Must make sure the wording is correct upon Township Board approval of the proposed Master Plan.

Shields: this is a natural site - intersection of two freeways.

After further discussion, Coffey made a motion to approve the C-1 zoning for the East 5 acres (parcel A), Davis seconded, roll call vote:

Davis - yes

Coffey - yes

Oosterink - no

Shields - yes

Heasley - yes

Motion carried 4-1.

Criteria for motion:

Davis:

Meets all criteria.

Proposed rezone is compatible with current Master Plan

Good spot, main intersection

Meets most of public services & utilities

C-1 better suited than A-2

Coffey:

Proposed rezone is compatible with current Master Plan

Good spot, main road

Better spot than landfill property

Compatible with surrounding area

Shields:

Consistent with current Master Plan

Housing should not be affected

Public services would not be adversely affected

Convenient location for emergency services

Better suited than residential due to high traffic volume and access from two freeways

Heasley:

Consistent with current Master Plan

Compatible with surrounding area, better suited for commercial than large residential development
Public services not affected
Main intersection

Formal finding of fact will be made at next regular meeting.

Davis made a motion to approve I-1 zoning for the West 10 acres (parcel B), Coffey seconded, roll call vote:

Davis - yes
Coffey - yes
Oosterink - no
Shields - yes
Heasley - yes
motion carried 4-1.

Criteria for motion:

Davis:

Meets all criteria.

Proposed rezone is compatible with proposed Master Plan approved tonight

Good spot, main intersection

Meets most of public services & utilities

I-1 better suited than A-2

Coffey:

Proposed rezone is compatible with proposed Master Plan approved tonight

Good spot, main road

Better spot than landfill property

Compatible with surrounding area

Shields:

Consistent with proposed Master Plan approved tonight

Housing should not be affected

Public services would not be adversely affected

Better suited than residential due to high traffic volume and access from two freeways

Electrical service is more appropriate on this parcel and away from the intersection

Heasley:

Consistent with proposed Master Plan approved tonight
Compatible with surrounding area, better suited for industrial than large
residential development
Public services not affected
Main intersection

Formal finding of fact will be made at next regular meeting.

No further business, Coffey made a motion to adjourn, Davis seconded, motion
carried. Meeting adjourned at 10:30 p.m.

Submitted by

Cris Heasley, Secretary
Salem Township Planning Commission