

ALGOMA TOWNSHIP PLANNING COMMISSION MINUTES  
Tuesday, November 20, 2007

A meeting of the Algoma Township Planning Commission was held on Tuesday, November 20, 2007, at 7:00 P.M. The meeting was held at the Algoma Township Hall located at 10531 Algoma Ave., Rockford, MI 49341.

Vice-Chairman Newberger called the meeting to ORDER at 7:02 P.M. and led in the Pledge of Allegiance to the Flag.

PRESENT: Vice-Chairman Newberger, Members Bigney, Ensley, and Lecceadone.

Absent: Chairman Witham, Secretary Poolman, and Member Heminger.

Also Present: Supervisor Hoemke, Site Plan Review Committee Members Bates and Sjogren, Township Attorney Brown, Township Engineer Bruggink, and 19 citizens.

APPROVAL OF MINUTES:

**Minutes of the October 16, 2007, meeting** - Member Bigney motioned to APPROVE the minutes of the October 16, 2007, meeting as presented, seconded by Member Ensley. The motion PASSED.

**Acceptance of Site Plan Review Committee's reports** - There were no reports submitted.

AGENDA APPROVAL:

Under 11, On-Going Business, Tickler File, Master Plan 5-Year Update, an item a. Set Public Hearing for December 18, 2007, was added.

Member Ensley motioned to APPROVE the agenda, as amended, seconded by Member Lecceadone. The motion PASSED.

PUBLIC COMMENTS:

There were no public comments given.

CORRESPONDECE SENT & RECEIVED:

**Building Inspector's report** - This was received and reviewed.

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**Any Other Correspondence** - Vice-Chairman Newberger reported an internal letter had been submitted by Member Heminger who could not attend the meeting due to a job-related issue.

PUBLIC HEARINGS:

**P.U.D. ORDINANCE AMENDMENT, Chapter 11, Steep slopes and other parts of Primary Conservation areas -**

Vice-Chairman Newberger explained the Commission occasionally reviews ordinance amendments and tonight they are considering provisions in the P.U.D. language that would allow flexibility regarding Primary Conservation areas that include wetlands and steep slopes. He said currently, they are to be maintained as they are and there is no flexibility in the language. The Commission has found with some P.U.D. proposals there may be a steep slope that may be suitable to use in developing a site but currently, as it stands, there is no flexibility to do so. He explained the Public Hearing process.

Attorney Brown stated the number of 5% of the gross area of the development was mentioned at the last meeting but there was no decision. He said as it is written now, a percentage applies separate to each of these types of natural areas but the Commission may choose all or some of these natural areas for flexibility and then decide on a percentage separately or all taken together. He stated the standards would still need to apply and item three lists those standards.

Member Lecceadone asked if 100% of the Primary Conservation was counted in the 40% preserved in a P.U.D.

Attorney Brown stated that 50% of the Primary Conservation is not included in the 40% open space calculation.

Member Bigney said he liked the idea of having discretion because there could be uniqueness in that P.U.D. and when it is set too strict, that is not always good.

Member Ensley stated he agreed with Member Bigney in that there have been several occasions when they have had situations where something isn't always black and white. He said these rules are

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black and white but he can see some restrictions so as not to go overboard, but in this case there is room for leeway.

Vice-Chairman Newberger declared the Public Hearing OPEN for public comments.

Kelly Powell of Sable Developing stated he was here to address the 20% slopes but wondered what the other things were that they were considering.

Vice-Chairman Newberger stated they were other natural features such as wetlands, bodies of water, floodplains, soils that will not support on-site septic systems; and habitats of unique or endangered species.

Mr. Powell stated they need flexibility but some of those items he didn't see how they could protect them by disturbing them. He submitted a drawing of what a house looked like sitting on a 20% grade to achieve walkouts. He said they can protect better by utilizing slopes than moving homes and having to create other slopes so this should be considered on a case by case basis. He said they appreciate rules and regulations because there is value there but flexibility is good if it makes a better development.

Kevin Roosien of Roosien & Associates stated there are a number of townships that have P.U.D.s that contain this same language and when you have slopes and rolling hills it can be quite a challenge. He said there can be pockets of 20% slopes running all through the site and they have to pull out the buildings off them and it becomes a nightmare. He said many other townships have put in flexibility so on a hilly site with small pockets of slopes, if there would be no major impact, you don't have your hands tied. It just makes common sense and a better site plan.

Supervisor Hoemke stated the Commission must remember to separate the current site plan and personalities from this first issue before them; the amendments. He said 20% slopes have been a recurring problem with other site plans as well and not just with this site plan. He said the Board has spent a lot of money with other site plans regarding this issue and we need to deal with this language. He asked if 20% was an arbitrary number that was written long ago and is 40% more reasonable. The fact is, he

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said, it depends on the usage and that is where the flexibility is needed in this ordinance. He said the P.U.D. is to make the best preservation plan for the property and it needs flexibility and common sense and when there is a set number, it takes that away to strive to do the best we can and work through the plan.

With no further comments given, Vice-Chairman Newberger CLOSED the portion of the public hearing to public comments.

Vice-Chairman Newberger stated the question was whether to consider the 20% slopes, all or some of the Primary Conservation areas and then what numeric value for what to allow or not.

Member Lecceadone stated that if a developer chose to develop land not as a P.U.D., they could go in and pretty much do anything, flatten the land, conserve nothing, and cut every tree down. He said the Commission strives to come up with a P.U.D. that preserves open space. He questioned if they would be doing any good by trading items for preservation that would destroy one area to protect another that might be more important to them and allow them to build on such areas as a 20% slope.

Vice-Chairman Newberger stated that the current ordinance is preserving everything because all of these areas are being preserved.

Member Lecceadone said a developer could chose not to use the P.U.D. when they could go in and destroy everything. He said the sub-committee talked about this 20% slope issue and found the surrounding townships ranged from 20% to 25% or some didn't have any commitment.

Vice-Chairman Newberger said the benefit to go P.U.D. for the developer is that they get more units from the property when developed this way. He asked if the Commission wanted to have more flexibility with wetlands, creeks, or habitat. He said permits can be given to cross or fill wetlands. He said there are two different areas to consider for flexibility within the ordinance; the issue of 20% slopes and the issue of wetlands and creeks or habitat. He asked if they wanted to consider them separately.

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Member Lecceadone stated he could hammer out the 20% discussion but was surprised to see they were reviving the wetland and other areas for discussion. He said he would leave the others alone.

Vice-Chairman Newberger stated he decided to bring all of it up for discussion. He said if the Commission was going to be flexible in one area of preservation he could see other developers requesting discussion of these other areas later.

Member Bigney said they should have flexibility in all of these areas to make sense of things and some ordinance language doesn't make any sense whatsoever.

Member Ensley stated the issues need to be separate but they could spend hours on each one. He addressed 20% slopes for natural walkouts saying the language was not preserving the right property at that point. He said he could also see some flexibility with soils if an on-site sewer system was used. He said the language should not try to hamper development but to work with a developer to build better communities. He also stated that not all development is right so there needs to be rules and that is why it has to be a decision by the Commission, Township Board, and public input.

Member Lecceadone suggested to just discuss the 20% slopes and the other issues could go back to sub-committee or wait until there was a 7-member Commission present.

After more discussion, Member Bigney motioned to recommend to the Township Board APPROVAL of P.U.D. Ordinance Amendments, Chapter 11, with the exception to leave out percentages and specify to work on a case by case basis.

Discussion: Member Ensley asked if that would remove all restrictions completely.

Attorney Brown said the standards would still apply but not a limit on the acreage. When looking at a P.U.D. the Township Board would look at the situation and determine if the amount of acreage was right or too excessive when the plan was reviewed. He said there are standards in order to permit flexibility. He said they



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Tom Crimp of 8903 Lady Lauren stated the residents of Wellington Ridge did not get a chance to hear what the other neighbors have seen and asked if Mr. Powell could start at the beginning explaining the entire plan. He asked how much of the topography would change and if it would affect his line-of-sight. He asked what guaranteed the preservation will happen because developers put it in their marketing but have smoking mirrors and never do it.

Mr. Powell stated he did not contact Wellington Ridge residents because there are properties between this development and theirs. He showed Mr. Crimp the Natural Features Map and stated it should not affect his view at all.

Ed Ault of 8840 Wolven stated he lived across the street and understands it is going in phases. He asked if there would be additional trees put in along Wolven Ave. of spruce intermixed with a number of attractive-type of trees at certain heights. He asked if they should die, provisions would be in place that they would need to be replaced. He said Mr. Powell has kept them appraised on the development and he is greatly appreciative of that. He said if the land has to be developed; it would be much better this way than the other (ie: the Parallel Plan).

Alex Vincent of 8767 Wolven said he was the neighbor with the seven acres and just wanted to say although they are not crazy about developing the land, they too appreciate Mr. Powell coming to them and spending more than one evening with them. He said he is as satisfied as he could be.

Greg Wagner of 8944 Wolven agreed that Mr. Powell had worked out the development with the neighbors but wondered if it was wise for developing property right now and there are homes for sale everywhere. He said he was in favor of this plan but questions the timing.

Tim Osbeck of 8922 Lady Lauren asked if the Planning Commission was considering the additional traffic on Wolven Ave. and 10 Mile Rd. He said their development has 4 empty houses, 4 for sale and foreclosures. He also questioned if this is the right time to pop it in.

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Richard Geldhof of 9025 Elstner stated Mr. Powell did invite him a couple of times to talk and hash things out. He said this development is a step-up from Wellington Ridge because it has an on-site septic system and when you move houses very close you run the chance of polluting ground water. He said this one will minimize the ground water impact.

Barb Huffman of 3246 - 11 Mile Rd. stated this development would be towards the back of her property and asked if the sewer treatment plant would smell.

Vice-Chairman Newberger read comments submitted from Planning Commission Member Heminger who was absent due to his employment. He believes in hard rules and not creating loop-holes. He said no one has been denied to develop their land because of the current ordinances. He did not agree to change the Primary Conservation language and was concerned with allowing developers to use loop-holes to end up with everything they want at the expense of preservation.

Vice-Chairman Newberger stated to the audience, as they could see by comments made by the Commissioners this night, there are strong opinions on both sides of the issues.

With no further public comments given, Vice-Chairman Newberger declared the Public Hearing portion of the meeting CLOSED to public comments.

Vice-Chairman Newberger addressed the comments of the public by stating that no smells would be omitted from the septic system but said the township engineer could address that.

Township Engineer Bruggink said it was the same as an individual system in that all is underground. He said this would be regularly maintained and controlled by the Kent County Health Department for inspections. He stated individual landowners don't do as well at taking care of pumping their systems out as this would be. As the township engineer, he said he supports this system a lot.

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Vice-Chairman Newberger stated several people voiced appreciation with working with the developer. He said that makes the Planning Commission's job easier when a lot of the issues have been worked out with the neighbors. He said some have asked if it is wise to start a new development.

Mr. Powell stated it has been shown that 80% of the available sites have been built out. He said no one is building and they believe they are the only ones at this time who can bring a new fresh development to market.

Vice-Chairman Newberger stated that traffic concerns were a legitimate point and as we work through this process we will get some feedback from the Road Commission. He said they realize it is a busy corner at Wolven Ave. and 10 Mile Rd. and traffic concerns come up at every time.

Supervisor Hoemke stated that 10 Mile Rd. is a major primary road and the responsibility of the Kent County Road Commission and they have to do what is needed. He explained the tentative long-range plan in 2010 is to widened 10 Mile Rd. to five lanes to the city limits. He said under the 10 Mile Rd. Corridor Plan the three municipalities (Plainfield Township, Algoma Township, and the City of Rockford) requested a boulevard-type of road but it is very costly. He said any signalization will be up to the County and they know it's a bad intersection. He suggested the neighbors put pressure on the County if they want a signal installed and gave them Tim Haagsma's name to contact. He said the County would probably tell them Wolven Ave. has the capacity to handle the traffic that will come from this development.

Vice-Chairman Newberger agreed and said he had talked with Tim Haagsma. He said he personally doesn't come down Wolven Ave. to 10 Mile Rd. if he has to turn left at 10 Mile Rd. across traffic. He said the more feedback the County gets from neighbors, they might be able to get something to happen.

Member Bigney stated, according to traffic counts, this development would average 600 additional car trips a day.

Vice-Chairman Newberger addressed other concerns stating the developer is using a phased approach for developing. As far as

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the vegetation along Wolven Ave., they can discuss this with the developer. He said in regards to preserving green spaces, the township attorney will specify what conditions must be done in the ordinance language.

Member Ensley said the township has improved on the procedures and now has an Ordinance Enforcer in place to see these things are followed through.

Mr. Powell stated Metrospec and himself have a great respect for preservation and is an advocate for preserving trees. He said some have been flagged and they will transplant them elsewhere on the property. He said they spent a lot of time with the neighbors and the only thing he can think of that he didn't get back with them on was the location of the entrance and that was determined by the County. He said they would appreciate moving forward with this project.

Vice-Chairman explained the process of moving out of the Advisory Public Hearing, Preliminary Phase I process, into the Preliminary Phase II, Rezoning and Public Hearing step. He also noted that the Township Board had to approve the ordinance amendment for the 20% steep slopes at their Township Board meeting on December 11, 2007, in order for the plan to move forward because it is based on that amendment happening. If the amendment isn't approved, the plan will need to be changed to meet the current ordinance for 20% slopes.

Member Lecceadone motioned to schedule the Public Hearing for #0608, Metrospec, P.U.D.-Rezoning, for December 18, 2007, seconded by Member Bigney. The motion PASSED unanimously.

TABLED BUSINESS:

There was no Table Business.

NEW BUSINESS:

**#0019 THE BLUFFS OF INDIAN LAKES P.U.D. (Minor Change - Unit 10 & Unit 11), boundary line adjustment** - A report of the Site Plan Review Committee dated October 17, 2007, was submitted for review. No action was required.

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**PLANNING COMMISSION MEETING DATES FOR 2008** - Is attached and made a part of these minutes.

Member Bigney motioned to APPROVE the dates for the Planning Commission Meetings for 2008 as submitted, seconded by Member Ensley. The motion PASSED.

ON-GOING BUSINESS:

**Tickler File** - There were no Tickler File items.

**Master Plan Update** - Member Lecceadone motioned to schedule a Public Hearing for the Master Plan Update for December 18, 2007, seconded by Member Ensley. The motion PASSED.

**Ordinance Amendments** - There were no additional items.

**Representative's Reports -**

Township Board: Member Bigney reported the Board discussed the paving of Russell St. with Scott and Diane Long regarding the new Grand Rapids Press distribution center. It was left to the owners of the building (Bergin Enterprises) to come back with an amount they would like to contribute should this be done. The Board approved a Charity Gaming & Raffle Permit for the Rockford Sportsman's Club. He said the Board was in the process of having a new well dug at the township cemetery. They approved a revised Fee Schedule, established a lighting district for Saddle Ridge Estates, and approved the Removal of Natural Resources Permit for Mike Rusche.

Board of Appeals: The Board had one appeal that was withdrawn prior to the meeting and they voided an appeal where the applicant did not complete it within the required time period even after an extension had been granted.

**Any Other On-Going Business** - There was no Other On-Going Business.

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NEXT MONTH'S MEETING: Tuesday, December 18, 2007.

ADJOURNMENT:

Member Bigney motioned to ADJOURN the meeting at 8:59. The meeting was ADJOURNED.

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Robert Newberger, Vice-Chairman

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Julie M. Sjogren, Recording Secretary