

ALGOMA TOWNSHIP PLANNING COMMISSION MINUTES
Tuesday, December 18, 2007

A meeting of the Algoma Township Planning Commission was held on Tuesday, December 18, 2007, at 7:00 P.M. The meeting was held at the Algoma Township Hall located at 10531 Algoma Ave., Rockford, MI 49341.

Chairman Witham called the meeting to ORDER at 7:03 P.M. and led in the Pledge of Allegiance to the Flag.

PRESENT: Chairman Witham, Vice-Chairman Newberger, Secretary Poolman, Members Bigney, Ensley, Heminger, and Lecceadone.

Also Present: Supervisor Hoemke, Site Plan Review Committee Members Bates and Sjogren, Township Attorney Brown, Township Engineer Bruggink, and 11 citizens.

APPROVAL OF MINUTES:

Minutes of the November 20, 2007, Regular meeting -

Vice-Chairman Newberger motioned to APPROVE the minutes of the November 20, 2007, minutes as presented, seconded by Member Bigney. The motion PASSED.

Acceptance of Site Plan Review Committee's reports -

Member Heminger motioned to ACCEPT into the record the Site Plan Review Committee's reports for Site Plans #0608 and #0710, seconded by Member Bigney. The motion PASSED.

AGENDA APPROVAL:

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

PUBLIC COMMENTS:

There were no public comments given.

CORRESPONDENCE SENT & RECEIVED:

Building Inspector's report - This was received and reviewed. It was noted only one house permit was issued for the month of November.

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Chairman Witham explained that zero lot lines in a condominium project means the association owns everything outside of the walls of the residence.

Mr. Jager was asked how much would be mowed around the development and he said he was not prepared to say what those limits are but would say 50 feet from the rear of the house and they would keep the border species as natural as we can.

Vice-Chairman Newberger shared his concerns regarding people who might enjoy mowing 2-acre lots and that there be an indication on the site plan as to where the "no disturb" areas and setbacks are located. He said preserved areas tend to change as owners change and you may end up with more mowing and putting in sporting activities and asked just how it would work to keep areas preserved.

Mr. Jager stated it would be created in the by-laws as to how these areas are to be treated. He said he would participate in that language and those types of things that alter the natural features, in general, any un-natural improvements would be prohibited.

Member Lecceadone said that is what the Commission wanted to see.

Mr. Jager said it goes hand in hand with the cost of maintenance and if they expand the maintenance, the greater the costs. He said the setting itself is marketable and he wants the property to remain natural.

Attorney Brown stated he would address that in the ordinance language and describe what is to be maintained and what is landscaped but other than that, there would be no other improvements.

Vice-Chairman Newberger asked about jungle-gyms.

Mr. Jager said all would be incorporated into the bylaws and the rules will say how much or how far. He said there is a term called "restricted common element" where you can't have a Bar-B-Q on my patio. He said the buffer strip was negotiated with the neighbor but he was unsure as to how wide that would be.

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Mr. Jager said he wasn't trying to skirt around the question, he didn't know if it was decided 50' or 100' for a no-disturb area, they only discussed if a specific tree needed to be preserved, they would re-locate it. He said there was a community sewer system proposed that would be self-sustaining and approved.

Paul Henderson explained further they were proposing a community system with a tile drain field that would sustain the development but not have capacity to allow anyone else tie into this.

Chairman Witham stated for the record that public notice had been published and neighbors within 300' were notified according to the law. He explained the process and declared the Public Hearing OPEN for public comments.

Greg Wagner of 8944 Wolven Ave. said he lived directly across the entrance. His biggest concern was traffic and he has lived there 30 years and it's almost an expressway. He said he has kids and he can hardly get out of his driveway. He said someone had stated there could be 650 or more trips coming from the development. He asked about the buffer from Wolven Ave. He was also concern with the number of homes vacant in the Rockford area. He appreciated Kelly coming and involving them in discussions and feels this is the best alternative than having a house located on every acre. He just wondered if this was the best timing with the number of homes in foreclosures. He said he also appreciated the mailing from the township.

Tom High of 8850 Elstner stated he also appreciated Kelly and he has been a good neighbor to talk with them. He understands this will take place but he questioned what happens once the association is in place and they have their rules, will he have any influence or be included in them or any decisions they make? He doesn't want to find trees leveled because they didn't read the rules. He also stated that the developer is putting in a development, not a community, and he doesn't want their feeling of community to change.

Member Lecceadone stated that any changes would need to come back to the township and go through the public hearing process again.

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Richard Geldhof of 9025 Elstner Ave. said this is a nice plan and a step up from Wellington Ridge. He said the community sewer system is better than having individual sewer systems on small lots, 62 homes on 60 acres is tight nit, and it is nice to separate all the wells from drain fields. He said it would be better suited if they had public systems but since they don't; this is a nice way to do this.

Mr. Wagner added to his previous comments asking what would happen if the year goes by and the investors don't develop this and it sells. Is it set in stone or can someone else come in and do something different? He asked about 62 water wells pulling out of the aquifer and what if they jeopardize the neighbor's wells. He doesn't use fertilizers and chemicals and how will that affect neighboring property.

Ed Ault of 8840 Wolven Ave. asked what recourse the neighbors had if their well goes dry or if there is pollution from the development.

Chairman Witham read two letters submitted to the office.

The first letter was from Barbara & Earl Jones of 8730 Wolven Ave., dated November 28, 2007, with concerns regarding traffic and requesting a moratorium on building until the traffic situation is addressed.

The second letter was from James & Bernadette Collins of North Carolina, dated December 12, 2007, opposed to the development. They didn't feel this was a good fit for the community and there was no public water or sewer proposed and it is too intense.

With no further comments given from the public, Chairman Witham CLOSED the portion of the meeting for public comments.

Chairman Witham stated he would address the questions and concerns from the public. He said, regarding public systems, this development will have individual wells but a community sewer system. He asked Supervisor Hoemke to address the traffic and Road Commission questions.

Supervisor Hoemke stated this is a Class-A, two lane type of road and the formula for adding traffic signals is based on a national

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criteria for time delays and how long it takes to wait at an intersection. He said what seems like minutes to wait is, in fact, much less.

Mr. Henderson said the County is requiring them to install a left-turn lane at the Wolven Ave. at the private road entrance.

Vice-Chairman Newberger stated he called and talked with Tim Haagsma at the Kent County Road Commission and was told, of course, this road could handle the added traffic. He said if the speed limit is a concern then the neighbors need to call the Kent County Sheriff's office and ask them to enforce it. He said Tim Haagsma thought it was *INTERESTING THAT, (following the township's Advisory Public Hearing for this site plan), he had recently received 15 e-mails from citizens regarding this Wolven Ave./10 Mile Rd. intersection. The County considers this intersection yearly *TO EVALUATE IF A TRAFFIC LIGHT IS NEEDED. Mr. Haagsma said if a traffic light is needed at this intersection, in February they would do a "warrant study" to determine if the intersection "warrants" one and they also base this on crashes and traffic volume. He said the County is going to review and address *THIS ISSUE.

Member Lecceadone stated another thing the County does is the timing of the signal lights in the City of Rockford and the Meijer store.

Chairman Witham stated he understands the concerns of traffic and he heard it over and over when he talked to neighbors doing the census count. He suggested people contact Tim Haagsma at the County for any further concerns. He asked the applicants to address the concerns of the number of houses for sale already on the market.

Mr. Jager stated this is something they continue to monitor and his hope is to begin developing the property sometime next year but he can't be any more exact than that. He said they wanted all the approvals in place to begin and they feel this is a marketable commodity.

*CORRECTIONS PER 1/22/08 MEETING MINUTES

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Member Lecceadone asked if their market saw this development as something different that might be sold differently than a normal home site.

Mr. Jager agreed that this development would be marketed as something different and they are creating a neighborhood with an aesthetic view that as one travels Wolven, it isn't going to appear as a normal plat and during certain times of the year, you won't see a structure at all. He said it isn't an exact science but the property is beautiful itself and will be a factor to anyone considering locating here.

Chairman Witham asked the applicant to address the water wells.

Mr. Henderson from Roosien & Associates stated the County Health Department will have them do test wells to prove capacity and they will probably be in a much deeper aquifer than the neighboring parcels. He said a number of the neighbor's wells are quite shallow. He said the neighbors should be much happier knowing a professional landscaper would be doing the maintenance and applying fertilizer instead of every Tom, Dick, & Harry who doesn't do this for a profession.

The Commission asked the township attorney and engineer if they had ever come across a situation where neighboring wells had been contaminated by a nearby development. They both agreed neither had ever encountered it. It was stated that test wells are best to determine capacity.

Supervisor Hoemke stated that when the Meijer project extended water from Plainfield Township the opportunity was there for the township to have a long-term back up plan in place to include this entire area in a water district in case at some point it needs to be extended to this area. He said the wells in this area are pretty deep.

Chairman Witham asked Attorney Brown to address the question of enforcement of the site plan.

Attorney Brown stated that the Master Deed and By-laws are required to be reviewed prior to final approval of the site plan to assure they are not contrary to township ordinance or any conditions placed on the site plan before recording.

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Attorney Brown stated *THAT once the P.U.D. ordinance is approved any amendments to the plan or ordinance language would require the association to come back to the Planning Commission and need the public hearing process again.

Member Lecceadone stated the neighbors would once again be notified and can speak regarding it.

Member Heminger wanted affirmation that the Master Deed would require the open space to remain undeveloped.

Attorney Brown stated the ordinance reads that open space shall not be developed for improvements such as structures, with the exception of walking paths, and to remain in a natural state.

Vice-Chairman Newberger asked how long they predicted the development would take to complete.

Mr. Jager stated the latest study they reviewed gives them hope to be concluded by 2010. He said he is not sure that is reality, it may take five years, it depends on whatever else is out there. He said they think the overall aesthetics, with all the grounds maintained in a similar manner and mowed at the same time, is something that will attract people. He said developing is an unknown science and it is harder now than any other time he has remembered.

Chairman Witham stated, regarding marketing, this is certainly an alternative for someone looking for something other than a house with one or five acres. He said a significant amount of land would be defined as common and he appreciated the developer for undertaking the relocating of trees and deciding which would be worthwhile to preserve. He said any other alternations would be prohibited.

Vice-Chairman Newberger stated 62 houses on 60 acres is not too intense when the current zoning is R-R (42,000 Sq.Ft. or 1-acre) and this is not inconsistent with the area.

Secretary Poolman said maybe this time of the year you might see some homes but otherwise, this won't be seen from the road and this is better than every home on 1-acre.

*CORRECTION PER 1/22/08 MEETING MINUTES

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Chairman Witham reviewed the Site Plan Review Committee's report dated November 30, 2007.

Mr. Jager stated he did not have his copy with him so one was provided to him. He stated, under #1 and #2 of the report that they would submit the Master Deed and By-laws as required and he also agreed to submit the septic system plans to the township engineer. Under #3, he agreed they would change the cul-de-sac road widths to no less than 20' wide.

Under #4, Chairman Witham said all open space should be designated and be made a part of the ordinance language.

Mr. Jager said, regarding #5 accessory buildings, that all would be prohibited and it should state that in the ordinance and Master Deed & By-laws.

Under the Preliminary Phase I Site Plan section of the report, Dedicated Open Space was discussed.

Mr. Jager stated there would be landscaping around the houses but he never defined a boundary how far the landscaping would go. He said their attorney would need to work on that language in the Master Deed and By-laws.

Attorney Brown agreed that this was the language needed and he will include this in the ordinance language.

It was agreed by the Planning Commission that the Site Plan Review Committee and Attorney Brown would review the landscaping plans and open space language prior to submittal to the Township Board for final approval.

Mr. Jager agreed to provide the letter from the Kent County Health Department as required by ordinance under #2 of the report.

The Planning Commission waived the Environmental Assessment study as mentioned under #3.

Mr. Henderson agreed to add the typical cross section for the narrower road width as requested under #4.

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Under the Narratives section of the report, Mr. Jager agreed to revise the wording as requested in #1.

Mr. Jager stated, regarding sidewalks, under #2, that he thought this was fine in theory but a bit of a problem because he didn't want heavy construction trucks breaking up any sidewalks already installed. He said he understood the intent but once a number of houses have been sold, they would want to activate the next phase so they don't run out of inventory. He asked if he could have six months after another phase is started to have them put in should they not be all sold. He said they would want to postpone installation of sidewalks because they will have to do it over.

After much discussion regarding when the sidewalks had to be installed Member Lecceadone pointed out that the issue of installing sidewalks would only be once they reached Phase 3 because of the layout of where the park is located and small number of houses.

Attorney Brown stated, as it is drafted now, the home owner is to put in the sidewalk at the time of construction and if the dwelling is constructed during winter, as soon as the weather clears, but he could add that in any event all sidewalks in the entire phase would be constructed no later than so many months or when 50% of the houses in that phase have sidewalks in front of them the remaining must be constructed.

Building Inspector Bates pointed out there are no unit lines because it is a condominium so at what point does the sidewalk go from where to where.

After further discussion, the Planning Commission decided Attorney Brown will draft the language for sidewalks and leave it at that.

Member Bigney asked about play structures and what they could have if they don't have a backyard and *HAVE kids.

Mr. Jager said they would define that in the By-laws and they would be allowed within a number of feet from the principal building and adjacent structure.

*CORRECTIONS PER 1/22/08 MEETING MINUTES

Member Bigney motioned to recommend APPROVAL of Site Plan #0608 to the Township Board, seconded by Secretary Poolman. The motion PASSED with six in favor of the motion and one opposed.

ALGOMA TOWNSHIP MASTER PLAN UPDATE - SUPPLEMENT #1:

Chairman Witham declared the Public Hearing OPEN for public comments.

There were no public comments given.

Chairman Witham CLOSED the portion of the meeting to public comments.

The Commission members commented that the Master Plan looked good and commended those who worked on it.

Supervisor Hoemke stated he talked with Kendra from the M.S.U. Extension office and she had reviewed the farmland preservation section. It was constructed parallel with the State's plan so should one of the township's farmers want to look into farmland preservation, the township will not be an obstacle for this and the language is there to be eligible.

It was noted that the number of Building Permits issued in 2007 could include through the end of the year because the office would have this number by the time the plan is adopted in January by the Township Board.

Secretary Poolman motioned to recommend APPROVAL of the Master Plan Update, Supplement #1, to the Township Board, seconded by Vice-Chairman Newberger. The motion PASSED unanimously.

TABLED BUSINESS: There was no Tabled Business.

NEW BUSINESS:

**SITE PLAN #0710 (ADDITION TO INDUSTRIAL)
D & K ENGINEERED CONSTRUCTION / TARGET CONSTRUCTION
3836 Russell St. Mailing Address:
Cedar Springs, MI 49319 P.O. Box 639
Parcel #41-06-11-400-007 Rockford, MI 49341**

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Rick Dunneback of D & K Engineered Construction stated that when they leased space to The Grand Rapids Press, Target Construction lost warehouse space so they are trying to replace that space by adding onto the rear of the building and also adding two loading docks. They are not adding any more employees so they feel they have plenty of parking now. He said they are also adding electric locking gates when the construction is completed and the sign will be back in place when that time comes. He said he would need to come back with the new sign and gates design but it will meet ordinance requirements. He said Target Construction does all of their own sheet metal business.

Building Inspector Bates stated the parking layout changed from the approved "optional parking" that was approved for the Special Land Use for the Grand Rapids Press.

Mr. Dunneback stated that could be shown back on the site plan. He questioned the "Knox-box" onto the property.

Supervisor Hoemke stated that emergency personnel need to get on site when needed and he should work with Fire Chief Johnson on how to get through the gate, either a "Knox-box" or punch key type of lock.

Chairman Witham said they left the width of the entrance driveway off the site plan and asked if there would be any additional lighting. He would need to review the lighting ordinance.

Mr. Dunneback said yes, there would be additional lighting on the building addition and loading dock. He will add those items to the site plan.

Township Engineer Bruggink gave the history on the site stating the revision was brought in 2002 and the storm water control plan was developed for a more intensive use and constructed at that time. He said no additional retention was needed and he set a bond in the amount of \$10,000.00.

Planning Commission members stated they didn't need to see the site plan again for the sign or other items on the Site Plan Review Committee's report as long as they meet township ordinance.

Vice-Chairman Newberger motioned to APPROVE Site Plan #0710 conditioned on the items listed in the Site Plan Review Committee's report of November 30, 2007, to be submitted and reviewed by the Site Plan Review Committee to be in accordance with the township ordinance and the optional parking that was omitted being added again on the site plan, seconded by Member Heminger. The motion PASSED unanimously.

ON-GOING BUSINESS:

Tickler File -

#0524 Ken Jacobs "Kayleekin Ct.", private street (11/15/05):

Mr. Jacobs was present and stated the economy has been so bad he hasn't had the money to put the private street in. He said he started doing some tree clearing this past summer. He asked for the last additional year extension.

Secretary Poolman motioned to grant the last 1-year extension, seconded by Member Lecceadone. The motion PASSED.

Ordinance Amendments -

There were no ordinance amendments.

Representative Reports -

Township Board: Member Bigney reported the Township Board approved the O.S.-P.U.D. amendments and they discussed paving the commercial section of Russell St. because the businesses offered \$17,000.00 to kick-in towards the cost.

Any Other On-Going Business -

There was no other On-Going Business.

NEXT MONTH'S MEETING:

Tuesday, January 22, 2007 (Rescheduled due to Election Day).

ADJOURNMENT:

Member Bigney motioned to ADJOURN the meeting at 9:19 P.M. The meeting was ADJOURNED.

Jack Poolman, Secretary

Julie M. Sjogren, Recording Secretary