

JAMESTOWN CHARTER TOWNSHIP  
PLANNING COMMISSION MEETING MINUTES

July 20, 2021, at 7:00 p.m.

Jamestown Charter Township Hall, 2380 Riley St., Hudsonville MI 49426

**CALL TO ORDER:** Chairman Smith called the meeting to order at 7:00 p.m.

**ROLL CALL:** Commissioners Jeff Dykstra, Dave Kronemeyer, Diane Pater, Dean Smith, Tim Tacoma, Randy Zomerlei and Planner Greg Ransford were present. Commissioner Gilliam was absent with notice.

**INVOCATION:** Commissioner Dykstra opened with the invocation.

**APPROVAL OF MINUTES:** A motion was made by Commissioner Zomerlei, supported by Commissioner Pater to approve the minutes of the June 15, 2021, Planning Commission Meeting. Motion carried unanimously.

**APPROVAL OF AGENDA:** A motion was made by Chairman Smith, supported by Commissioner Kronemeyer to approve the agenda with a change: Ottogan Hills Site Condo and Private Road Site Plan review will be moved to the beginning of New Business. Motion carried unanimously.

**GENERAL COMMENTS REGARDING NON-AGENDA ITEMS:** None.

**NEW BUSINESS:**

- **SITE PLAN REVIEW** for Ottogan Hills Site Condominium and Private Road, parcel number 70-18-35-400-012, located on the north side of Ottogan Street between 16<sup>th</sup> Avenue and 8<sup>th</sup> Avenue south of Adams Street in the Agricultural Residential Zoning District. The applicant is seeking to establish a private road, four (4) metes and bounds parcels and thirteen (13) new site condominiums.

Todd Stuive from Exxel Engineering presented information regarding the application on behalf of the applicants Greg Kerkstra and Lori Grysen, who were also in attendance. The property contains 62 acres, mostly farmland with border tree rows, a wooded area on the northeast portion and some wetland areas. The site condominium will consist of one-half mile private roadway with thirteen (13) sites, all at least two acres in size. There will also be four (4) Land Division Application (LDA) parcels (A-D as shown on the site plan) for a total of 17 sites. Storm water will be handled on the lower portions of the sites in the northern area and on the southwest corner of the property. There will be individual wells and septic systems on each parcel, with three test wells as a requirement by the county for final approval. The Ottawa County Health Department has reviewed the soils on the property, and lots (A-D) do not meet the requirements for a subdivision and will instead be LDA parcels. They are showing the required street trees, and there will be streetlights at regular intervals located at property lines. Ottawa County has approved the road name Ottogan Hills, and Allegan County has approved the location of the roadway. The applicant is requesting payment in lieu of pathway as there are no pathways near the development. They are also requesting a waiver of the requirement for sidewalks within the development as the average lot width is 260 feet and as the development is in a rural farm setting, with an expectation of low traffic volumes on the private drive.

Chairman Smith reviewed the considerations for discussion in the Planner's memorandum. There was Commissioner discussion regarding a sidewalk waiver, whether sidewalks should be required of every development regardless of location or size, whether a waiver in this instance is suitable due to the width of the lots, which greatly exceed the required size in the ordinance for the determination of a waiver, and the rural nature of the property. There was discussion also regarding private road width and setbacks for homes on the lots. Commissioner Kroneymeyer asked the applicant whether the storm water basins indicated on the lots would have

easements. The applicant responded that there will be a drainage district 433 agreement for site condominium with Ottawa County, and that Ottawa County will maintain the functionality of the ponds.

**A motion was made** by Commissioner Pater, supported by Commissioner Tacoma to adopt the Resolution for Preliminary Site Condominium Approval to establish a thirteen (13) unit single family residential site condominium as shown in the site plan submission titled Site Plan-Ottogan Hills Site Condominium, Prepared by Exxel Engineering, Inc., dated April 8, 2021 (the "Development"), with the following conditions:

- That the requirement for internal sidewalks be waived.
- That the applicant submit payment in lieu of pathway along Ottogan Street.
- That the applicant satisfy the contents of the Vriesman and Korhorn letter dated July 2, 2021.
- That the applicant understand at some point a disclosure may be required by the township for groundwater issues, and homeowners may have to sign an affidavit accepting responsibility for the condition or failure of the well.

Motion carried unanimously.

- **PUBLIC HEARING** for Zoning Text Amendments to revise or add 17 sections of the Jamestown Charter Township Zoning Ordinance (JCTZO) to require public water connection for certain development or a financial guarantee consisting of cash or an irrevocable letter of credit. In addition, the proposed Zoning Text Amendment Ordinance will establish a section regarding a moratorium for certain developments.

Chairman Smith read details of the proposed Zoning Text Amendments aloud for the benefit of members of the public in attendance.

- Section 3.11-Razing of Buildings
- Section 3.26B-Temporary and Accessory Mobile Home Dwellings Temporary Residence
- Section 3.29-Private Roads
- Section 3.33O-Wind Turbine Generators, Maintenance and Operation
- Section 3.38-Public Water Required
- Section 6.4R2-Special Uses
- Section 9.4A-Additional Standards for Special Uses in the R-3 Residential District
- Section 15.6H-Landscaping and Overall Site Design, Parking Lot Deferment
- Section 17.1K-Site Plan Review Performance Guarantee
- Section 19.3D-Project Design Standards
- Section 19.12-Performance Guarantees
- Section 23.7D-Application Requirements
- Section 26.5N-General Landscape Standards, Installation and Maintenance Provisions
- Section 27.3B9-Review of Preliminary Plans by the Planning Commission-Standards and Required Improvements
- Section 27.6F-Review and Consideration of Site Plan Approval by the Township Board
- Section 28.6A-Development Requirements, Water and Sanitary Sewer
- Section 28.7-Financial Guarantee
- Section 29.7-Moratorium for Certain Developments

**A motion was made by Commissioner Dykstra, supported by Commissioner Kronemeyer to open the Public Hearing at 7:43 p.m.** Motion carried unanimously.

Dan Besteman, 4584 8<sup>th</sup> Ave., addressed the Commissioners and expressed his concerns regarding the requirement of public water for developments. He owns land near the M-6 interchange, and he stated that the land, which is in a prime location, could not be developed as public water is not currently available.

**A motion was made by Commissioner Tacoma, supported by Commissioner Dykstra to close the Public Hearing at 7:48 p.m.** Motion carried unanimously.

The Commissioners discussed the proposed zoning text amendments in two groups-those that address public water and those that address financial guarantees.

Under Financial Guarantee discussion, Chairman Smith stated that the text amendments changes would remove performance bond language, as townships are not likely to receive the funds if needed. The language would be changed to require cash or an irrevocable letter of credit. The changes would apply to sections 3.11, 3.26B, 3.29, 3.33O, 15.6H, 17.1K, 19.12, 23.7, 26.5N, and 27.6F. A new section, 28.7, would be added that would require a cash deposit or irrevocable letter of credit as a condition of site plan approval for an open space preservation project. In Section 3.29C, a section would be added: 3.29C.11 that would include language requiring a cash deposit or an irrevocable letter of credit to ensure the completion of required improvements for private roads. There was discussion regarding what exactly a financial guarantee would cover, how much should be required, and who would determine the amount required.

Commissioner Kronemeyer expressed concerns regarding the requirement for cash or a letter of credit, as developers are already required to submit financial guarantees to the County for portions of projects such as roads, and a letter of credit or cash could double a developer's costs.

Concerns were discussed regarding the need to protect the township in case a developer does not complete a project, while acknowledging the financial burden of a letter of credit on developers. Different approaches were explored, such as basing the required fee on the contract value, developing a formula for determining the fee, or only requiring a financial guarantee for those portions of a project not covered by financial guarantees required by other entities and which the township would be responsible for if the developer fails to complete the project. Planner Ransford stated that in other jurisdictions the amount required for a letter of credit is determined by the applicant and their engineer and reviewed by the jurisdiction's engineer. The Commissioners directed Planner Ransford to obtain correspondence from other jurisdictions regarding how they handle performance guarantees and follow up with the township engineers for discussion at a future meeting.

Under public water discussion, the Commissioners were informed that at this meeting they have to act on the Zoning Text Amendment Ordinance for a moratorium that goes along with the Resolution adopted by the Township Board at the July 19 meeting. Chairman Smith stated that due to the well water issues in Ottawa County, which are causing the failures of wells and crop damage, to do nothing would be irresponsible. The township either needs to limit development or provide public water. The text amendment changes would require public water and sewer for sections 3.29, 6.4R2, 9.4A, 27.3B9, and 28.6A. Section 19.3D- Planned Developments-Project Design Standards, connection to public water is required, Section 3.38-Public Water Required for all new and expanded residential developments and Section 29.7-Moratorium for Certain Developments would be added. There was discussion of why the township is taking responsibility while the County continues to issue well permits. Commissioner Tacoma suggested that the township expand public water access on public roads north of Byron Road, that the minimum lot size in the Agricultural Rural Zoning District could be increased to limit the number of wells, and that public water still be required for private roads. Chairman Smith stated that per a conference with the Township Engineers, a gravity sewer system is not feasible in many areas of the township, and the township water/sewer department stated that infrastructure moves slowly along with development. There was concern that homeowners would expect the township to resolve their water issues even if the homeowner is required to acknowledge the potential for well failure before purchasing the home. Chairman Smith stated that the moratorium would give the Planning Commission six months to discuss water issues.

- **SUBDIVISION TEXT AMENDMENTS** were discussed. Chairman Smith read the proposed text amendment changes to the Subdivision Ordinance regarding financial guarantees and public water and sewer.
  - Section 3.2(1)(B)(14)-Preliminary Plat (Tentative and Final Preliminary) Requirements
  - Section 4.6(10)(B)-Lots, Lot Division
  - Section 5.3(1)(G)-Required Improvements Water Supply System
  - Section 5.4(2)-Guarantee of Completion of Improvements Required by the Township, Financial Guarantees Shall Be Provided as Follows
  - Section 5.4(3)-Guarantee of Completion of Improvements Required by the Township Penalty in Case of Failure to Complete the Construction of a Public Improvement

**A motion was made** by Chairman Smith, supported by Commissioner Dysktra to recommend that the Township Board adopt the Zoning Text Amendment Ordinance only for Section 29.7 – Moratorium for Certain Developments with the following exemptions from Section 29.7-Moratorium for Certain Developments:

- Those certain residential developments commonly known as “Peacefield” (OS-PUD) (Permanent Parcel NO. 70-18-35-100-002); “Ottogan Hills” (Permanent Parcel No. 70-18-35-400-012); Ransom Street Site Condominium (Permanent Parcel No. 70-18-01-400-041 and the residential private road development at 4465 Greenly (Permanent Parcel No. 70-18-07-100-006), which have been approved or are under consideration for approval by the Township.

Motion carried unanimously.

**OLD BUSINESS:** None.

**EXTENDED PUBLIC COMMENTS REGARDING AGENDA ITEMS ONLY:** None.

**CORRESPONDENCE:** None.

**PLANNING COMMISSION MEMBER COMMENT:** None.

**ADJOURN:** A motion was made by Commissioner Kronemeyer, supported by Commissioner Pater to adjourn the meeting at 8:51 p.m. Motion carried

Respectfully submitted by,

Maureen Carmody, Recording Secretary  
Planning Commission

Minutes approved on

\_\_\_\_\_ by \_\_\_\_\_  
(chair)