

Present: Shaarda, Dykstra, Keppel, Larabel, Webster, Woltjer

Absent w/ notice: DeHaan

Innovation: Woltjer

Planner: Ransford: gregory.ransford@gmail.com, phone 638-1240

**UNAPPROVED
MINUTES**

Approval of Minutes Keppel/Dykstra approved minutes as presented.

Carried

Approve the Agenda: Webster/Sharda motion approved agenda with the election of officers moved to after discussion on bylaws.

Carried

Public Comments:

Carried

Gail Altman
2724 Adams St.

After the December PC meeting, I submitted the required request for appeal of the text in Sec. 6.5A1, Sec. 2.30A and JT20 at a cost of \$500.00. I am unable to present this at this meeting after following your applications guidelines which state that it must be in by noon of the last Tuesday of the month previous to the month the applicant desires to be on the agenda. After a discussion with your Planner it was determined that the application states this incorrectly. I have people here who are under the assumption that this is to be on the agenda. I apologize to these people and thank them for their attendance. After appropriate public notification, this request will be placed on the PC agenda.

Planner

As Gail stated the application did not have the appropriate timeframe Our hands are tied as no one has seen the language at this time. Therefore, we could take comments from the public now under the Public Comment time since this item is is not attached to our agenda.

Woltjer

Offered to allow anyone to speak on this topic as part of the public comment.

Note: There was no public comment.

NEW BUSINESS

**Resolution
on 2012 Meeting
Schedule**

Shaarda/Webster made a motion to approve the meeting schedule for 2012 year as the third Tuesday of each month.

Carried

OLD BUSINESS

Road Project Review The PC reviewed the adjusted estimates two roads on the weighted grid.

1) Mason Street: 32nd Avenue to 28th Avenue and 28th Avenue: Mason Street to Adams Street \$840,000 which may require grading permits of adjacent property owners

2) 12th Avenue north of Quincy = \$175,000 and includes easements for needed ROW.

These estimates are subject to change based on a engineering/survey and plan development.

Woltjer Per our last months discussion and information from the treasurer; we will have approximately \$20,000 left over from the 48th Street project and \$400,000 from the road mileage. We would have enough to possibly stage a road and blacktop it the following year. There is not enough for a blacktop on the cul-de-sac of the 12th avenue project and the 28th Avenue project.

Dykstra Just a reminder that we only recommend and the board may not see fit to do what is recommended.

Motion by Webster/Sharda Motion that we recommend to the board that for the 2012 year we use the road funding to complete the 12th Avenue cul-de sac for safety reasons as the current property owners are in agreement with right-of-way easements. Additionally, the PC recommends the initial staging of 28th from Perry to 84th Street. Should bids return at a rate less than estimated; we suggest that the board complete paving of 12th avenue and/or 28th avenue.

Carried

Adopt Bylaws of the

Planning Commission Discussion and review of the amended Bylaws was held.

Motion to Approve Keppel/Larabel made a motion to approve the Bylaws with minor corrections. Item: E Agenda to be prepared by the Planner. When the PC chairperson being an alternate should the Planner be unable to set the agenda. Sec. 3 B/C Was changed to include the word "Resolution" as pertaining to requests for PC review by the Township board.

Carried

Election of Officers Motion by Woltjer, seconded by Larabel to open the floor for nominations.

Woltjer Noted that he was not seeking the job when he got it and he would be willing to serve again if requested, however if that is not the case, he has no regrets and appreciated the opportunity.

Sharda Shaarda noted that the secretary in the past had been assigned other duties such as tracking appointments, posting notices and review of prior minutes. It was also noted that going forward the person taking minutes would be compensated at \$40.00 each month. PC members expressed the value of having a current PC member complete these minutes, but understand that the secretary position may be out sourced.

Dykstra made a motion to elect Woltjer as chair and seconded by Larabel.

Webster made a motion to elect Larabel as chair and seconded by Sharda.

Larabel made a motion to elect Webster as vice-chair and seconded by Dykstra.

Keppel made a motion to elect Sharda as secretary and seconded by Larabel.

Motion to close nominations Shaarda/Woltjer made a motion to close the nominations.

The following members were elected:
Chairperson - Larabel
Vice-Chairperson - Webster
Secretary - Shaarda
Alternate Secretary - possibly DeHaan if Shaarda is unable to attend the PC meeting.

Master Plan Updates

Planner He noted that he had just completed a rezoning of Olive Township and his goal was to simplify the Master Plan document.

The PC reviewed the Introduction and Community Profile and after discussion agreed to the material presented. The PC agreed that there could be minor changes as the entire document is completed.

**Extended Public
Comments regarding
the Current Agenda**

Ron Koroleski I want to say "Thank you" to the Chair for his year as a chairperson.
2967 8th Ave. One comment from the 12th Ave group on cul de sac was that the gravel will get torn up.
I disagree that that would be the case and I would pay \$3.00 but how would that benefit me.

Woltjer Just a reminder that this committee does not have the right to spend, just to recommend.

Rick Vos I question why 12th Ave. It is a road that goes to nowhere. Three or four years ago
4182 Quincy the agreed to follow the grid and we were next on the list. Now we are talking about paving
12th Avenue. What about 40th which feeds to an industrial area?

Phil DenBesten Rick is my neighbor I bought my property hearing that our road would be paved within
4270 Quincy St. five years. How do we find out when roads are on the agenda. I watched the advance
and don't see the agenda. I would like to see an agenda on our website.

Woltjer 48th was a 2 year project. We understood that there would be no money for a year.
This backed up our grid as current costs are increasing.

Phil DenBesten I think we get overcharged for what we are getting as far as paying going.
4270 Quincy St.

Gail Altman Over the past months, I have read many different PC minutes. Shaarda does a great
2724 Adams St. job and I hope that she continues.

Correspondence Eleven identical letters was read from the 12th avenue property owners. See Exhibit A & B.

PC Member

Comments: None

Motion to Adjourn: Dykstra/Webster made a motion to adjourn.

Carried

Woltjer Meeting adjourned at 8:50 PM

Minutes prepared by N. Shaarda, secretary.

Present: DeHaan, Dykstra, Keppel, Larabel, Shaarda, Webster, Woltjer

Absent w/ notice: None

Innovation: Webster

Planner: Ransford: gregory.ransford@gmail.com, phone 638-1240

**UNAPPROVED
MINUTES**

Approval of Minutes Dykstra/Webster approved of 1/17/12 minutes as presented.

Carried

Approve the Agenda: Webster/DeHaan approve agenda.

Carried

Public Comments:

**Brian Logan-
4300 Quincy** Stated that he was disappointed with the process of the paving of our road. He has been part of the ongoing discussion regarding paving his road for 12 years and understood that his road was imminent only to find out that there are two other options being presented to the township board. Last week he pulled 6 lbs. of dirt out of his garage and has had related repairs on his vehicles. He stated that our current grid needs adjusting. Finally, he stated that this needs to be a future agenda item.

New Business: Public Hearing Gail Altman and 21 co-applicants regarding the Sect 3.20A and Section 6.5A1 of the Jamestown Charter Township Zoning Ordinance

Planner Introduced the applicants proposal to amend Section 3.20A which would change the measurement of setbacks from arterial roads from 60 ft. to 50 ft. Additionally, it is suggested that the 50 ft. setback on all other streets be measured from the right of way line rather than the centerline. The proposed amendment to Section 6.5A1 would reduce the front yard setback for AR from 75 ft. to 50 ft.

Additionally, this proposal would eliminate reference to a 50 ft. setback for all other streets, public or private as well as reference said streets as non-arterial.

**G. Altman
2724 Adams** Gail presented her initial reasons for beginning her investigation of setbacks and road right-of-ways was due to a ZBA meeting regarding her families request to request a variance in order to rebuild a home that had had a fire. She first came to the Planning Commission on 9/20/10 and gave them a memo with Section 3.20 as a discussion item regarding setback and right-of-way. She understood that based on ZBA discussions a change in our ordinances would be to be brought to the planning commission for review. At that meeting planning commissioners asked the Planner to investigate other townships and review our current setback on arterial roads of 125 ft. She questions how this would maintain our rural character.

On 10/18/11 at the PC meeting the Planner presented information he had gleaned from surrounding townships. Eight surrounding township ordinances were reviewed. Four of the 8 had setbacks for arterial roads and measurements of setbacks were as follows: 6 measure from right-of-way; 2 measure from centerline, and 2 measure from both depending on the individual situation. Another questions asked was, "What constitutes an arterial road?" The answer was that generally they noted that these roads are defined in each master plan as a major collection of roads through the community per the OCRC. The applicant presented her findings in which our township is generally 34 ft. more stringent than all other townships. She also noted that PCI represents 13 municipalities. They show that our AR districts have an additional setback that increase the distance to 125 ft. for local roads and 135 ft. for arterial roads. She noted that as a rural community why would we need 17 to 27 more feet. None of PCI's municipalities other than Jamestown has this stringent rule.

On 11/15/11, the applicant again came to the PC meeting. She noted that the PC had added public comment after the meeting was concluded. She again presented some of her concerns and heard the PC state that these would be reviewed as part of the revised Master Plan currently being working on. The applicant noted a 8/2000 letter of intent regarding Commercial (C-2) adjustments and stated that the general provisions for the 135 ft. was placed there.

On 12/20/11 that applicant presented material as she had received from her questionnaire sent to surrounding township zoning administrators. A response from Bob Jones who represent 4 municipalities stated that all have 50 ft. setbacks and he has seen no problems. He noted that some townships have an additional 50 ft. only in commercial zones. The applicant stated that she had a petition that currently had 33 signatures and she anticipated more by the time of the January hearing.

On 1/17/12 the applicant was again unable to have her hearing. While she had complied with the guidelines in her application; due to an error on the application form the PC was unable to hear her request because of public notification guidelines. The PC elected to allow for public comment on her application as it was not on the agenda. There was no comment from the audience received at that time.

In conclusion, the applicant presented a current petition now signed by 459 township voters and stated her six protection goals within the application as follows:

- 1) Farmland for future crop production.
- 2) Our homes from being labeled as non-conforming.

- 3) The rural character of our Township
- 4) Open green space for future generations.
- 5) Our rights as property owners and taxpayers.
- 6) Our 2001 general development plan strategies that are laid out on pg. 24,25 of the master plan.

Also, it was noted that when M-6 opened traffic counts on 84th street dropped drastically within the next 24 hour period. We are a rural community which we desire to maintain along with our democratic rights. As such the applicant is requesting the following proposed changes:

- 1) Sec. 6.5 AR district front yard setback be at 50 ft.
- 2) Sec. 3.20A All district arterial road setbacks set at 50 ft.
- 3) Sec. 3.20A of "and 50 ft." of the center line
- 4) The addition of headings above Columns classified as Arterial roads:
Street From To

T. Larabel Due to the large group present, we would request that you keep you comments to three minutes. Also, in an effort to avoid repetitive comments could we see a show of hands of those in favor of the application and those opposed.

Hand Vote: Yea, 93 Opposed 5

**J. Camenga
889 Woodbridge** Read correspondence supporting the current language and statutory review of the master plan.

Bill Parr Represented the estate of John Tanis residence located at 3950 24th Ave. This is a small lot that some doubt that even a postage stamp could be placed on. We should be allowed to place at least a modest size residence on this non-conforming lot.

Dan Mill I built my home many years ago and it is now non-conforming. If I have a disaster I don't feel that anyone has a right to say I cannot rebuild my home.

C. Camenga Read correspondence stating that several people that presented the change several years ago are still on the Jamestown Board and if we truly want to preserve farmland we should reduce lot sizes.

K. Sharphorn Clarified that it would take 2 acres minimum to build a home based on current ordinance.

J. Dykstra Stated that he reviewed past variance requests and finds that 3 of the 4 requests were approved.

T. Larabel After spending time reviewing this, I find our township to be conservative in

our setbacks and that they were put in place to first and foremost prepare for expansion while preserving the rural feel. It is not clear that the application's proposal better protects farmland verses a 2 acre building requirement and adjustment of front and rear setbacks.

K. DeHaan

I question whether making this drastic a change to our master plan is really relevant in comparison to what could have been done within the framework of the ZBA.

C. Webster

We need everyone here to understand that what we will do tonight will be a recommendation to the township board. It ultimately is a decision that is made by the board. Also as we review the Master Plan, it must be recognized that this language is purposely township guidelines promoting more definition within ordinances.

Planner

When we use the center line of the road (and many roads are not on center) we create a disadvantage for many home owners. Also our established arterial roads are not the defined arterial roads based on the OCRC. A decision needs to be made on this.

Planner

B. Laughlen of the OCRC uses terms to define arterial roads as those with funding from the State of Michigan. Generally the language surrounds the use of primary or local road terminology.

C. Webster

Read communication from PC Board member, T. Woltjer.

T. Larabel

Read communication from Planner responding to T. Woltjer. Both items incorporated to ensure complete communication to all.

J. Keppel

Stated that as a member of the ZBA present at the time of the hearing for variance; he noted that all rules written at that time were reviewed and adhered to.

Motion:

Shaarda / Keppel made a motion to table this application for one month to allow all PC members an opportunity to review all options with regard to ordinance changes and appropriate language. Opposed Webster/Dykstra

Carried

New Business

Master Plan Review

Agricultural Uses

Planner

Reviewed the proposed new language.

PC Discussion

Shaarda suggested the elimination of "Protect large parcels of land from acreage division" Larabel suggested the elimination of "Prohibit private roads in the Ag... District Shaarda suggested the change of "Reduce or eliminate the minimum setback for all farm buildings...." to "Review for consideration the minimum setback for all farm buildings....."

Planner

Noted that there may be times when farm buildings are better suited on the farm outside current ordinances and in his experience this may need review.

PC Discussion All members were in general agreement with the changes and will review final language at the next meeting.

Extended Public Comment Regarding Agenda Items (3 minutes)

Larry Ocobock I sat through many of these meetings and I feel Gail was silenced here tonight. I happen to have Kevin Altman as my builder and have been harassed because of that as well.

Jay Wyllys
2780 Adams I have spend most of today driving around our township and I see many non-conforming homes. Why are some people allowed to get a variance and others not?

Ron Koroleski
2967 8th Ave. I just want to mention one thing; should there be a tornado through Jamestown like Hudsonville had, my home and a lot of others could not be rebuilt.

James Jipping
8th Ave. I have lived here since 1972 and have an old house. We are of retirement age and on one acre. Should something happen I'm not sure we could rebuild.

Weber
40th Ave. If you have to sell 2 acres for a home, how can we stay a farming community. Why do we have to have so much land to build. We should use the front part for housing and preserve the back for agriculture.

Joel Kuierim
270 Adams We live on farmland where the house is closer to road and we rent out the back for farming. Our setback are deep enough for a 5 lane road. Why?

Jerry Koster
3250 Quincy Where does that put those of us who live in homes that are non-conforming when it comes to the time when we want to sell our residence?

Belinda Koroleski
2967 8th Ave. Why if we knew this was the issue tonight can we not get an answer and it gets tabled.

T. Larabel I think the PC is very aware of your concerns and does not want to make a rapid decision without reviewing all your comments and reviewing all possible options.

G. Altman I feel our Planner got thrown under the bus tonight. Clearly the only reason he met with me is because I want answers. I'm assuming that next month the PC will have those answers.

Correspondence None

PC Member Comment

T. Woltjer I would like the bylaws put on next months agenda.

C. Webster What should be our plan of action for the applicant for next months? Could the PC

identify a variant to this request?

Planner

I will investigate your question, but would encourage the PC to provide a recommendation on what has been requested in this application.

Motion to Adjourn

Dykstra/Webster made a motion to adjourn

Carried

Minutes prepared by N. Shaarda, secretary.