

NELSON TOWNSHIP
Planning Commission Meeting
Nelson Township Municipal Building
2 Maple Street
Sand Lake, Michigan 49343

Wednesday, June 15, 2016
7:00 P.M.

MINUTES

The special Planning Commission meeting was called to order at 7:02 p.m.

Commissioners Present: Hoffman, Stolk, McKown, Wall, Litwinchuk, and Covell.

Commissioners Absent: Grifhorst.

Also Present: Zoning Administrator Jerry Gross, Township Attorney Ross Leisman, Dan Larabel from Edwin Allen Homes, and four Township residents who signed the attendance sheet.

Approval of Agenda: A motion was made by Stolk, and seconded by Wall, to approve the June 15, 2016 agenda as presented. Yes – 6, No – 0, Absent – 1.

New Business:

- **Review the preliminary development plan for the proposed Open Space Planned Unit Development to be known as White Pine Ridge.**

Attorney Leisman addressed the Planning Commission and audience regarding the process for approving an open space planned unit development (OSPUD) and site condominium under the zoning ordinance. He explained that the OSPUD requires 40% open space and the planning commission can vary the requirements if they feel it is a worthwhile tradeoff for the open space being given. He distributed a rough draft of an ordinance, explaining that it was an outline that could be filled in after the public hearing with the conditions that would connect to the actual development plan.

Next, Dan Larabel, Land Development Team, Edwin Allen Homes presented the proposed project. He explained that the OSPUD concept is very popular and they have had success with this type of concept. There would be a private street, private well and septic, and a master deed that would create the units and home owner's association (HOA). The open space, storm water, etc. would be dedicated to the HOA. The HOA is the developer. Once the homes are built, families move in, and the community is up and running, it is then turned over from the developer to the owners.

Mr. Larabel stated that their only requested variance is to the front setback. He would like the Planning Commission to allow 35 feet instead of 50 feet because this gives the customer a larger backyard, less driveway to snowplow, and existing trees will be saved to use as a buffer.

The Planning Commission then addressed the comments outlined in Prein & Newhoff's letter dated June 14, 2016. In general, the Planning Commission has concerns about the following:

- Setbacks
- Storm water runoff
- Swales
- Retention pond
- Lack of elevations and grades on plans
- The feeling of the plan is not consistent with the OSPUD intent to provide recreation and open space of usable size
- Buffering for adjacent land
- Open space is not contiguous – especially near lots 10, 11, 12
- Location of wells and septic systems right on top of each other
- Access to 18 mile – safety for entering and exiting traffic, particularly school buses
- Width of private road and cul-de-sac for buses and fire trucks to adequately maneuver
- Clarification about how open space was calculated, and whether or not that included the swales
- Second point of ingress and egress off Shaner
- Squaring up some of the adjacent lot lines to prevent disputes in the future
- Possibility of the developer presenting a plan that worked within the current single family residential zoning that the Planning Commission could use for comparison
- Providing the Kent County Road Commission entrance permit for review
- Maintenance of the retention system and swales – something in place so there isn't a stress on the township board to enforce it
- Potential fencing of retention areas
- Clarification on direction of water

Mr. Larabel responded that he may need some clarification regarding the interpretation of the setback line. He states that they are not proposing a retention outlet and the basin will be sized for a 200-year rainfall event and will use a minimum of four foot depth. Regarding contours on the plan, he says the engineer will resubmit on the final plan. Their intent is to pick up the natural course of drainage from the swale going east to west. They do not want to impact the surrounding neighbors. The Kent County Health Department site analysis will look at the placement of septic and suitability of the soil. He can provide spot elevations, but says that swales will be fairly gradual. As far as the open space being usable, they can make the design more usable and homeowner friendly with trails with signs. He admits that he doesn't know how to address the buffer, stating that there aren't any burdens across the property with lights or visual impacts. He also stated that they are not interested in a second entrance.

Vice Chairman McKown stated that even though it wasn't a public hearing, he wanted the members of the audience to have a brief amount of time to speak about any concerns not already addressed.

Mary Stidham, 14126 Shaner, asked for confirmation that the Planning Commission received her letter. Hoffman confirmed that it was presented to the entire Board.

Phil Harrison, 5729 18 Mile Road, stated his full agreement with the Planning Commission's concerns, especially needing a safe place for the buses to load and unload kids. He would also encourage the developer to make the garages deep enough to get a truck inside of. He also wants to make sure that the utilities are underground so he doesn't have to look at poles.

Dave Gilson, 14550 Shaner, agrees with the school bus issue, entrance points for emergencies and other issues, wants a fence around the retention pond and mosquito treatment, elevation changes shown on plans, feels the plan doesn't meet the intent of the OSPUD, suggests some of the lots be eliminated to achieve the OSPUD intent, wants the engineer's report sent to adjoining neighbors, clarification of where utilities will be (hopefully underground), wants a copy of the HOA documents, and strongly suggests requirement of a performance bond because of the water issues.

Jerry Ann Gilson, 14550 Shaner, states that she loves the privacy in the country and putting the OSPUD green space right up to her property line gives the potential for having all of the extra neighbors from the entire development on their property line, which she is not used to and didn't intend for.

Loretta Lee, 6340 18 Mile, has concerns about the septic and having no alternative fields when there is a failure. She also has concerns about the septic right next to storm water runoff, and being less than a mile from the wellhead protection area. Loretta will forward a letter with additional concerns to the Township Clerk.

There was more talk amongst the Planning Commission about the private road versus two points of egress, the fact that the Commission would have preferred the OSPUD before the lots along Shaner were split off, the need for a non-PUD plan for comparison, review of the master plan, disclosure statement, bylaws, etc. for the development, utility plans, and more thorough discussion with the Township engineer for clarification on some of his letter items.

- **Set Public Hearing Date.**

Wall moved to set the White Pine Ridge application for OSPUD development for public hearing on July 20, 2016 at 7:00 p.m. Stolk seconded. Yes – 6, No – 0, Absent – 1. If the developer has not met the Township's requests, the public hearing will be tabled.

Comments from the Commissioners. None.

Extended Public Comments. None.

Adjournment. Stolk, seconded by Litwinchuk, moved to adjourn the special planning commission meeting at 8:40 p.m. Yes – 6, No – 0, Absent – 1.

The next regular Planning Commission meeting will be held on July 20, 2016 at 7:00 p.m.