

Laketon Township Planning Commission
March 11, 2020 Regular Meeting Minutes – APPROVED 08/12/2020

CALL TO ORDER: Chairperson Don Nellis called the meeting to order at 6:01 pm.

PLEDGE OF ALLEGIANCE:

SWEARING IN OF PC MEMBERS: Eric Anderson, Paul Hoppa and Tom Kane were all sworn in by Notary Public Veronica West.

ROLL CALL:

- Present: Eric Anderson, June Earhart, Paul Hoppa, Don Nellis, Dave Mieras, DJ Hilson and Tom Kane.
- Absent w/notice: None
- Also present: Zoning Administrator Theresa Maner, Recording Secretary Veronica West and Applicants Chris Kelly and Jim Tyler

ELECTION OF OFFICERS:

Tom Kane moved to re-elect officers as follows:

Chairperson – Don Nellis

Vice-Chairperson – Paul Hoppa

Secretary – Dave Mieras

Joint Planning Commission Rep – Don Nellis

ZBA Rep – Eric Anders

June Earhart supported the motion. The motion carried by voice vote.

APPROVAL OF AGENDA: DJ Hilson moved to approve the agenda as presented. Dave Mieras supported the motion. The motion carried by voice vote.

APPROVAL OF MINUTES:

- Eric Anderson moved to approve the minutes of the October 9, 2019 regular meeting as presented. Paul Hoppa supported the motion. The motion carried by voice vote.

PUBLIC COMMENTS on AGENDA ITEMS ONLY: NONE

CORRESPONDENCE

- 2019 Annual PC Summary of Activity – Don Nellis gave a brief synopsis of this annual report required by the By-laws. No discussion.
- December 2019 Planning & Zoning News: Distributed for informational purposes. No discussion.

UNFINISHED BUSINESS:

- **Planning Commission Training:** ZA Theresa Maner advised the PC members of an upcoming training to be held here at Laketon Township on 2/3/2020 from 5:30 – 9:00 pm. The Michigan Chapter of the American Planning Association will be conducting the training on Master Plans; how to create and/or update a plan and how to implement a Master Plan. She also advised this is being offered to anyone from other municipalities. Brief discussion noted the timing is great since this summer the Laketon Township Master Plan is scheduled for review by this body and there was also brief discussion of cost and budgeting for training.
- **Park & Rec Plan:** – ZA Theresa Maner updated the PC Members on the status of the plan, noting she and Twp Supervisor Kim Arter are working through the State checklist and will be uploading the document to the State soon, then wait to hear their feedback. If they accept the document, Laketon Township will then be eligible to apply for various DNR or other related State grants.
- **Site Plan Review – Fenner Glen West:** A detailed presentation of the site plan was made by Chris Kelly and Jim Tyler. Mr. Kelly noted they are very experienced developers and listed off several other projects

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they have completed in the county – including Fenner Glen right here in Laketon Township. Mr. Kelly's presentation highlighted the following:

- ✓ Site size is approximately 40 acres
- ✓ The existing pond was created by the DNR decades ago (sometime in the 1950's or 1960's) with an earthen dam for drainage and detention/collection of water and is working well, the stormwater drainage system that was installed in the original Fenner Glen will be extended throughout Fenner Glen West.
- ✓ Discussed the 2019 spring basement flooding issues in homes located in the existing Fenner Glen development; noted the cause was a tree had grown up through the existing stormwater drain pipe and blocked it by about 90% which caused all the groundwater to back up into homes. The problem has been solved, the tree removed and the system functioning properly again.
- ✓ Discussed their plan for protection of old growth trees, they prohibit the cutting of anything over 6 inches in diameter without special permission. Also noted the restrictive/protective covenants will be very similar to the original Fenner Glen development; including natural siding materials on the front of homes, building prints to be approved by developer, protect trees, no RV's in driveways etc.
- ✓ There is no cul-de-sac in the road so they are anticipating the Muskegon County Road Commission to accept it into the public road system.
- ✓ Mr. Kelly stated road names have been approved by Central Dispatch; Dykstra Rd (continuation of existing Dykstra Rd) and Glen Arbor Dr.
- ✓ Mr. Kelly talked about the sanitary sewer capacity, noting there is enough to accommodate all 45 lots in this project; also talked about the land elevations, noting the system cannot be totally gravity fed and there will be a small lift station constructed, proposed location pointed out on the drawing (between lots 10 & 11).
- ✓ Municipal water is planned for all lots.
- ✓ All lots have been designed to meet or exceed Zoning District R-3 minimum standards for lots with sanitary sewer.
- ✓ Mr. Kelly talked about Laketon Township Building Official Chris Hall's request for minimum basement elevations for all lots – noting he will provide them once they become available, after engineering and construction drawings are done.
- ✓ Utilities: natural gas, electricity, cable, telephone to be installed at developer expense.
- ✓ Wetlands: they plan to work around existing wetlands.
- ✓ Outlots: 3 outlots are included in the plan for potential future adjacent developments. They can never be built on.
- ✓ Awaiting approvals from several other agencies, including Muskegon County Road Commission (MCRC), Muskegon County Drain Commission (MDCD), Central Dispatch, etc.

Mr. Kelly stated they are here this evening to obtain site plan approval so they may move forward with other agency approvals as well as environmental investigations, engineering work and drawings etc. Don Nellis noted the MCRC won't give approvals before site plan approval is granted by the Township. He also made comments about the streets, noting if the MCRC doesn't accept them into the public system, there will be additional work/approvals needed for them to be private streets. Don Nellis also commented on water concerns & spring flooding to which Mr. Kelly noted the stormwater drainage system infrastructure will be there for each building to connect to – which all drains into the existing pond that has an outlet pipe and wetland area surrounding it. Don Nellis also asked about what determines a wetland, can a wetland be built in and does the pond create a liability issue. Mr. Kelly noted they hired an environmental firm for a pre-wetland determination, where the areas were marked with flags. He noted a wetland can be filled and built on but there is a remediation formula for creating new wetland area to offset the wetland areas filled. Mr. Kelly also noted insurance will take care of any liability issues regarding the pond. Don Nellis also asked about the association and fees/dues. Mr. Kelly explained the association structure, noting the association is himself and Mr. Tyler until a certain time frame elapses or a certain percentage of lots are sold – then the association is turned over to the homeowners who create a board of directors and make all the decisions going forward.

Paul Hoppa asked if it would be a separate association from the original Fenner Glen and also strongly encouraged sidewalks within the project, noting it is a safety issue to get kids, families, strollers etc out of the roadway. Mr. Kelly explained the associations will be separate to start, otherwise every single property owner in the original Fenner Glen would have to be contacted on all decisions – but could merge once the development is significantly completed – or stay separate; that would be up to the two associations at that point. Mr. Kelly also noted they have never put sidewalks in a development before; and one reason is they typically use swales to slow the flow of water so as to not overrun catch basins, cost may be another reason. Mr. Kelly stated there is a traffic control planned for the intersections (3 way stop) within the development and he's not sure anyone would use sidewalks here.

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Don Nellis and Dave Mieras also commented on the sidewalks, noting they support safety and it would be a huge plus for kids walking to school and using the existing path in Fenner Glen directly onto school property, but they wouldn't connect to anything else. DJ Hilson commented that Dykstra Rd and other roads in the existing Fenner Glen have a 25-mph speed limit that isn't always followed and he can see a value to sidewalks on the south side of Dykstra Rd. Eric Anderson noted that timing of installation of sidewalks is often problematic and if they go in prior to home construction they sustain much damage and have to be repaired/replaced after and he also had questions on how they would be handled on outlots and open spaces and the original Fenner Glen because you can't require homeowners to have them put in now. Eric Anderson noted that seeing some impractical construction issues, he can certainly see the safety needs and suggested considering alternatives such as walking paths through the park areas. Mr. Kelly and Mr. Tyler expressed being able to accommodate some type of walking trail or path but sidewalks would not "go anywhere"; they stated they would look into putting some type of walkway/path way in on the south side of Dykstra Rd or in the pond/park which is an area of about 5 acres in size, and maybe out to Buys Rd. There was also discussion of a brainstorming type about potential surfaces of such a sidewalk/pathway – consensus seemed to be a hard surface would be the most appealing. Tom Kane also suggested possibly widening the paved surface width of the roadway to incorporate a "bike-lane" type of path to keep bikers and walkers out of the vehicular portion of the road way – which may also be more cost effective than a separate sidewalk or pathway.

Mr. Kelly was asked if the project would be done all at once or in phases. Mr. Kelly stated this project would have two phases, phase 1 picking up at the western edge of the existing Fenner Glen and phase 2 being the portion adjacent to Buys Rd. Mr. Tyler explained the phasing with regard to cutting in the roads to Buys Road with a sand/slag surface, then the base coat of asphalt comes next with the final coat being done once most of phase 2 has a majority of homes built or under construction. Eric Anderson asked for their definition of "done" and it was noted they consider "done" to mean when the building of utilities, (sewer, water, gas, electric, storm drain), roads, sewer lift station and about 50% of homes are under construction – then the final coat of asphalt can be applied.

Paul Hoppa also asked about streetlights. Mr. Kelly stated there will be streetlights installed and they will work with Consumers Energy on that.

Tom Kane asked if they would make it mandatory for construction vehicles (cement trucks, dump trucks etc) to enter the project site from Buys Rd on the west side of the project and not through existing neighborhood streets on the east side of the property. Mr. Kelly stated they would make that mandatory, and most obey that but noted there may still be a few that don't, and enforcement is difficult.

Eric Anderson asked about the storm drains, the DNR built pond and the homeowners association with regard to oversight and making sure another flooding event like happened in spring 2019 is prevented. Mr. Kelly noted the DNR built the pond in the 1950's or '60's but doesn't know the history of how/why. He added that the spring flooding issue was a fluke event with a tree growing through and blocking the drainage piping – also noted it was a learning event and the homeowner's association will now be inspecting the pipe annually with cameras to prevent another event of this kind. Mr. Tyler also noted it is impossible to predict or prevent every future situation.

Eric Anderson also inquired about the park and open spaces and their potential taxable status. Mr. Kelly stated he doesn't think the outlots are taxable and Mr. Tyler talked about the park and other open spaces not having parcel numbers and their value being rolled into each lot within the project. Recording secretary Veronica West, who is also the Township Deputy Treasurer, noted that other condo developments in Laketon Township that have common open space have the value of that land/space distributed equitably distributed to each parcel by the assessor.

The topic of the Floodplain Overlay District was brought up by Eric Anderson. Mr. Kelly explained that the overlay district is not the same as a FEMA floodplain where FEMA creates maps of areas where flood insurance is required, and the township floodplain overlay district requires there to be minimum basement elevations – this will all be determined by the engineers based on water levels, where the road and utilities like sanitary sewer need to be, then the minimum basement elevations will be set. Mr. Kelly also noted the Township Building Official Chris Hall will have final say on this before issuing a building permit. Mr. Kelly also stated these elevations will all be provided when the construction drawings are completed.

Don Nellis commented that the PC's job tonight is to approve, deny or approve with conditions the site plan presented for the proposed Fenner Glen West Site Condominium Development. He also noted he has a list of potential conditions suggested by township staff to be discussed and considered. He went down the list of items and each of the following was agreed to be included and placed on a final site plan which would be signed by the developers and the township:

1. Exterior Streetlighting – Mr. Kelly stated there would be streetlights installed.
2. Sidewalks – Mr. Kelly stated they would like flexibility to install some type of off-street walkway on one side of the street.

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3. Construction Traffic – mandatory to use the Buys Road entrance – Mr. Kelly agreed to make this mandatory. ZA Theresa Maner suggested using some sort of barricade on Dykstra Rd at the end of the existing Fenner Glen neighborhood which would prevent any construction vehicles from using the neighborhood roads.
4. Pond – revise to show more accurate size and location on final site plan. Mr. Kelly agreed to this.
5. Maintenance of Open Space – to be made the responsibility of the Condo Association – Mr. Kelly agreed this would be the case.
6. Postmaster – to be informed of new streets to set up mail delivery – Mr. Kelly acknowledged this is typical and would be done.
7. Signed final site plan – Mr. Kelly acknowledged this is typical and would be done.
8. Copy of Covenant – Mr. Kelly agreed to provide a copy of the protective and restrictive covenants when they are completed.
9. Minimum Basement Elevations to be set in accordance with the Laketon Township Zoning Ordinance Section 13.05.B1 – Mr. Kelly acknowledged this would be done and the elevations provided once they are figured by the engineers.
10. Copy of the Master Deed – Mr. Kelly agreed to provide a copy of the document when it is completed.
11. Approval from the Muskegon Charter Township Fire Department (MCTFD) – Mr. Kelly will provide once received; also noted, ZA Theresa Maner will forward the proposed site plan to the MCTFD for their review.
12. Approval from Muskegon County Road Commission (MCRC) - Mr. Kelly will provide once received.
13. Approval from Muskegon County Drain Commission (MCDC) - Mr. Kelly will provide once received.
14. Approval from Muskegon County Health Department (MCHD) - Mr. Kelly will provide once received.
15. Approval from Muskegon County Central Dispatch (MCCD) - Mr. Kelly will provide once received
16. Approval from Muskegon County Dept. of Public Works (MCDPW) for municipal water system/lines - Mr. Kelly will provide once received.
17. Approval from Laketon Township Board of Trustees for municipal sanitary sewer system/lines/lift station - Mr. Kelly will provide once received.
18. Muskegon County Soil and Erosion Permit - Mr. Kelly will provide once received.
19. State of Michigan Permits/Approvals from EGLE (formerly DEQ) as required – Mr. Kelly agreed to get any/all permits required by the State.
20. Old Oil Well documentation/environmental reports/approvals – Mr. Kelly agreed to have these checked and will provide all information obtained from environmental investigation, but noted there were a lot of these old oil wells on the property where the original Fenner Glen was developed and there was no evidence found of these ever being there – no casings found, no contamination etc. He also noted there are still monitoring wells and there and no contamination or trace of oil has ever been detected.
21. Entrance Signage – follow all Laketon Township Ordinance regulations – Mr. Kelly agreed to work with staff on this and noted the signage would be very similar in style to the signage for the existing Fenner Glen.

Dave Mieras moved to approve the proposed site plan for Fenner Glen West as presented but with the 21 (twenty-one) conditions discussed and noted in the official minutes of this meeting.

June Earhart supported the motion.

Roll Call Vote

Voting in Favor of the motion: Dave Mieras, DJ Hilson, June Earhart, Eric Anderson, Tom Kane, Paul Hoppa and Don Nellis.

Voting in Opposition of the motion: NONE

Motion Carried.

NEW BUSINESS:

- 2020 PC Meeting Dates/Calendar: ZA Theresa Maner presented a proposed list of meeting dates, keeping the meetings on the 2nd Wednesday of every month at 6pm. She did point out this makes the November meeting fall on Veteran's Day and the Township Hall closes for the holiday. Don Nellis suggested moving that meeting to Wednesday Nov. 18, 2020. Paul Hoppa moved to approve the list of meeting dates for 2020 with the one change in November as discussed. June Earhart supported the motion. The motion carried by voice vote.

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- Joint Work session with PC & Twp Board – Don Nellis reminded this is an annual joint work session for work on the Capital Improvement Plan, which has typically been conducted on the same day as the regular February meeting, just an hour earlier. Tom Kane moved to schedule the joint work session for Wednesday February 12, 2020 at 5:00 pm, provided this dated works for the Board of Trustees. Dave Mieras supported the motion. A voice vote was taken and the motion carried. Staff will verify with the Township Board that they are able to meet on that date.

PUBLIC COMMENTS:

- Eric Anderson of 2530 Wisconsin Ave – commented that as a resident he struggles with the road commission taking new/more roads into the public system when there are existing roads that are crumbling and needing significant repair, but there isn't enough money in the road commission budget for repairing all the existing roads that need repair.

BOARD REPORTS:

- Board of Trustees: NONE
- ZBA: Eric Anderson reported the ZBA held a required meeting, approved prior meeting minutes, but had no appeals or variance requests to act on.

ADJOURNMENT:

- Dave Mieras moved to adjourn the meeting. Paul Hoppa supported the motion. The motion carried by voice vote at 7:45 pm.

Respectfully Submitted:

Veronica West
Recording Secretary