



1                                   **PLANNING COMMISSION MINUTES - January 25, 2022**

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3                                   **CALL TO ORDER/ROLL CALL**

4  
5 Chair Corfman called the Planning Commission meeting to order at 6:00 p.m. and Vice  
6 Chair Davis called the roll. The following Commissioners were present: Chair Corfman,  
7 Treasurer Roberts, Vice Chair Davis, Mr. Eavey, and Mrs. Buckham. The following  
8 Commissioners were absent: Secretary Loeks and Mr. Matson. Also present was Interim  
9 Planner/Zoning Administrator Julie Johnston, Planning/Zoning Assistant Jennie Miller,  
10 Jack Gesmundo and Jaclyn Hutchinson representing American Village Development  
11 (AVD), and residents.

12  
13                                   **CITIZEN COMMENT ON NON-AGENDA ITEMS**

14  
15 Chair Corfman asked if there were any citizens interested in speaking on non-agenda  
16 items. There were none so he moved on to the next agenda item.

17  
18                                   **SET AGENDA**

19  
20 Chair Corfman reviewed the agenda and asked if there were any additions or corrections.

21  
22                                   **Motioned by Vice Chair Davis, seconded by Mr. Eavey, to accept the agenda as**  
23 **written. The motion carried unanimously.**

24  
25                                   **MINUTES – January 11, 2022, Meeting**

26  
27 Chair Corfman asked if there were any changes or corrections to the minutes.

28  
29                                   **Motioned by Mrs. Buckham, seconded by Mr. Eavey, to approve the January 11,**  
30 **2022 minutes as written with the exception of line 99, noting that Vice Chair Davis**  
31 **emailed Chair Corfman with his request as he was not in attendance. The motion**  
32 **carried unanimously.**

33  
34 Chair Corfman moved on to the next agenda item.

35  
36                                   **NEW BUSINESS**

37  
38                                   **PC#22-01 The Marshes Planned Unit Development (PUD) Amendment – Public**  
39 **Hearing**

40  
41 Chair Corfman outlined the application and explained the purpose of the public hearing  
42 to the residents in attendance. Planner Johnston provided a brief overview of the

43 applicants request for an amendment to The Marshes Planned Unit Development. This  
44 is a special exception use, and any change requires Planning Commission review and  
45 approval. The specific request is to reduce the front yard setback on two of the remaining  
46 undeveloped parcels from the required 125 feet, which was approved as part of the PUD,  
47 to the allowable 75-foot setback of the A: Agricultural District. AVD has indicated the water  
48 level of the existing ponds within The Marshes has increased, which is affecting the ability  
49 to build the home at 125 set-back.

50  
51 Chair Corfman asked if the applicant would like to speak. Jack Gesmundo stated the  
52 project started in 2015, when they hired Hurley and Stewart to assist with mapping the  
53 property and background research. They found that no flood plain was noted on the  
54 property and indicated the elevation of the ponds. AVD went through the process of  
55 creating a Planned Unit Development, which was finalized in 2016. The 125-foot setback  
56 was doable based on the water levels at that time. The record flooding in the Township,  
57 which started in 2018, has impacted this property.

58  
59 Mr. Gesmundo offered staff and the Planning Commission the option to come to the  
60 property to see the water issue. Ms. Hutchinson passed out pictures of the two units in  
61 question to the Planning Commission, as well as concept site plan of unit 2 and a plan  
62 showing unit 8 and 9 for reference. Mr. Gesmundo stated AVD builds developments that  
63 have varied setbacks and curvilinear roads to provide a more diverse aesthetic. With the  
64 size of the parcels and the existing vegetation, he believes the change in setback would  
65 work. The Master Deed would be amended, which is permitted because AVD is the  
66 developer. The requested 75-foot setback is permitted by the underlying Agricultural  
67 zoning, so AVD is not asking for anything that would not be allowed by zoning.

68  
69 Vice Chair Davis asked if there is any screening between sites 3 and 4. Mr. Gesmundo  
70 stated it is woody and scrubby, except where the water has risen, and the vegetation has  
71 died. The topography on units 2 and 3 are causing the water concerns. Topography rises  
72 on unit 1 making this less of an issue.

73  
74 Chair Corfman asked if site 2 has more of a topographic issue than water. Mr. Gesmundo  
75 stated its more about the water. He indicated that they would push the homes as far back  
76 as possible, but a 125-foot setback is a concern. He again referenced the site plan  
77 showing units 8 and 9 and how they have different setbacks.

78  
79 Chair Corfman stated the size of units 2 and 3 are smaller than 8 and 9, so the homes  
80 will be closer together.

81  
82 Mrs. Buckham asked about a soil survey. She did not believe it was included in the  
83 submitted documents. Mr. Gesmundo indicated the soil survey had to be completed for  
84 the original Planned Unit Development application. He stated the soils are sandy which  
85 is great for development. Mrs. Buckham stated they are also easily erodible.

86  
87 Treasurer Roberts referenced EGLE's website and the Township's ArcGIS data, stating  
88 there is a designated wetland on the property. She continued saying that this wetland was

89 onsite back in 2016 when the project was originally presented, so it is not a surprise that  
90 there are water problems.

91  
92 Mr. Gesmundo indicated that the water line has moved since the flooding. At the time of  
93 the original approval, they could build at the 125-foot setback.

94  
95 Treasurer Roberts stated that AVD entered into the project knowing there were three  
96 ponds onsite. She also believes the setback of 125-feet was not what was originally  
97 approved with the special exception use. The minutes of the meeting state there should  
98 be 50 feet of open space adjacent to the road, plus the 75-foot setback for the AG District,  
99 plus an additional 25 feet, which was a specific condition of approval. This calculates to  
100 a 150-foot setback, not 125 feet.

101  
102 Mr. Gesmundo stated the 50 feet of open space is provided, but the setback was not  
103 taken from open space but from the property line at the roadway. It was approved at this  
104 distance and was included in the master deed documents of the project.

105  
106 Treasurer Roberts did not agree, stating she believed the setback should have been from  
107 the 50-foot open space. Vice Chair Davis read from the minutes, noting the additional 25-  
108 foot setback, but it was not real clear where this additional setback was from.

109  
110 Treasure Roberts reminded the Planning Commission of Bradford Oaks, which had the  
111 same requirement of a 50-foot open space then the required setback.

112  
113 Mr. Gesmundo stated that is not how The Marshes got approved, and the Step 3 approval  
114 was for a 125-foot setback.

115  
116 At the conclusion of the Planning Commission's questions to the applicant, Chair Corfman  
117 asked for a motion to open the public hearing.

118  
119 **Motioned by Mrs. Buckham, seconded by Vice Chair Davis, to open the public**  
120 **hearing. The motion passed unanimously.**

121  
122 Mr. Joe Kuiper stated he is an adjacent property owner and has owned his property for  
123 30 years. The water table has gone up and down for all the years he has owned the  
124 property. The previous owner of the property attended the public hearings in 2017 and  
125 suggested that because there were ponds on the property, a reduction in the required  
126 200 feet of frontage should not be granted. If each parcel had 200-feet of frontage, there  
127 would be no problem building around the ponds. The Planning Commission said the issue  
128 was studied and the reduced frontage would not cause any concerns. The water table  
129 always goes up and down, and now we have an issue. It feels like the developer continues  
130 to go back for another bite of the apple, always getting exemptions approved. Also, what  
131 are the other options for development except reducing the setback? Could the pond be  
132 filled?

133

134 Mr. Matthew McMillan of 7222 West R Avenue opposes changing the setback. He is  
135 concerned about the aesthetics of having homes that much closer to the road, and the  
136 natural setting of West R Avenue. Bringing the homes closer to the road creates a more  
137 “neighborhood” feel for the area, which could impact property values. He is also  
138 concerned that having a shorter driveway on a road that has no shoulder could cause  
139 safety concerns with parking on the road. He is concerned about an accident happening  
140 due to lack of parking and shortened driveway.

141  
142 Mr. Andrew Kuiper of 9252 South 8<sup>th</sup> Street stated he was opposed to the original special  
143 exception use, and it feels like this has been one exemption after another all for AVD. He  
144 stated that AVD builds beautiful homes, but they should only have been allowed nine  
145 homes at this site. He strongly believes that if it were him making the request and not  
146 AVD, the PUD would not have been approved. The PUD had no benefit to the Township.  
147 He went on to say that it is okay to say “no” to AVD. They are allowed too often to do  
148 whatever they like and should have to stick with the original requirements.

149  
150 Chair Corfman asked if there were any citizens on Zoom interested in speaking. Planner  
151 Johnston stated there were no online participants

152  
153 **Motioned by Vice Chair Davis, seconded by Treasurer Roberts, to close the public**  
154 **hearing. The motion passed unanimously.**

155  
156 Treasurer Roberts felt alternatives are available to the developer that do not require a  
157 change to the setbacks. A home could be built without a finished walk-out. It is important  
158 to remember that this is a unique PUD. Typically, a PUD brings in public infrastructure,  
159 public trails, and internal roads. This development realized significant savings not having  
160 to develop infrastructure or roads and instead was allowed to do shared driveways on  
161 existing County roads. Also, the decrease in lot frontage allowed for more parcels. The  
162 required concept plan that showed how the property could be developed was unrealistic  
163 as it had the road going across the wetlands, which would have required a bridge to be  
164 built. She continued stating properties around the lakes have had flooding issues but have  
165 not received relief from setback requirements. The water issues were existing when the  
166 development was planned and therefore, she is not in favor of the amendment.

167  
168 Mr. Eavey stated he is struggling with the 75-foot setback but wondered if the Commission  
169 could get to 100 feet. He questioned how that would affect the project. Mr. Gesmundo  
170 stated it would help.

171  
172 Chair Corfman remembered the original hearings on the development, stating there were  
173 many concerned citizens. The PUD was a way to do the development while dealing with  
174 topography and water issues by preserving open space.

175  
176 Vice Chair Davis wondered about the wetlands over time on the property. Mrs. Buckham  
177 stated there has always been water problems on the site, which is why it is no longer  
178 farmed.

179

180 Vice Chair Davis asked if the Planning Commission denied the request if the applicant  
181 had the option to go to the Township Board. Planner Johnston thought they may have the  
182 right to appeal, which would be the Township Board.

183  
184 Chair Corfman asked about the water elevation level at the original approval. Mr.  
185 Gesmundo stated it was at 890 feet and is now at 893 feet.

186  
187 Chair Corfman felt there were good reasoning for both sides of the argument and asked  
188 if anyone on the Commission was ready to make a motion.

189  
190 **Motioned by Mr. Eavey, seconded by Vice Chair Davis, to allow a 100-foot setback**  
191 **on unit 3 and maintain the existing 125-foot setback on unit 2. The motioned passed**  
192 **3-2.**

193  
194 Chair Corfman thanked the residents in attendance and then moved on to Old Business.

195  
196 **OLD BUSINESS**

197  
198 **Corners Business District (CBD)**

199  
200 Planner Johnston stated the continued review should begin at the subsection on Signs.  
201 The Planning Commission reviewed the draft amendments and made the following  
202 changes:

- 203
- 204 • If a canopy sign is used, it shall be in place of the permitted wall sign.
  - 205
  - 206 • Language that specifically identifies what would be considered a logo on a sign shall  
207 be included.
  - 208
  - 209 • Residential attached to commercial must be on the second floor when located  
210 adjacent to primary roads. On secondary roads and internal drives, residential may be  
211 on the first floor.
  - 212
  - 213 • Townhome style dwelling shall be better defined.
  - 214
  - 215 • Garage spaces shall be included in parking to meet parking requirements.
  - 216

217 The Planning Commission agreed to start at the Design Review Committee section of  
218 the draft ordinance at the next review meeting.

219  
220 Chair Corfman moved on to Commissioner Comments.

221  
222 **COMMISSIONER COMMENTS**

223  
224 Mr. Eavey asked if the Township plows the trail on AuSable. Treasurer Roberts stated  
225 the Township plows to the park and the park trail only.

226  
227 Treasurer Roberts provided an update on Bogies & Stogies, stating it is illegal to allow  
228 liquor from outside the business. Under the DDA public act, there are additional liquor  
229 licenses available, which they may decide to request through application. She went on to  
230 say the Township Board approved a bulk pick-up pilot program for the spring, which will  
231 allow residents to set trash curbside.

232  
233 Chair Corfman stated there is no ZBA meeting this month. Planner Johnston informed the  
234 Commission that the Weitekamp setback variance that was denied by the ZBA is going  
235 to circuit court. Mr. Eavey asked if the court were to overturn the ZBA's decision would it  
236 come back to the ZBA for another review. Planner Johnston indicated the court's decision  
237 would be final. He expressed a concern that the court's decision would not track with the  
238 case because its outside the ZBA process. It was recommended that the court decision  
239 be brought to the ZBA for discussion so it can become part of permanent record of the  
240 minutes.

241  
242 Chair Corfman informed the Commission about the interviews that occurred for the vacant  
243 Planner position. He stated that if the committee was not satisfied with the interviewees,  
244 a recruiter may be employed.

245  
246 Planner Johnston advised that she has not received a revised application for the Wedel's  
247 rezoning. She stated her concern about the requested rezoning after a conversation with  
248 the developer because they indicated they wanted 80 units on the site and the requested  
249 rezoning would only allow 40 units. Wedel's stated they planned to have their revised  
250 application submitted for the March meeting.

251  
252 Hearing no further Commissioner comments, Chair Corfman moved on to citizen  
253 comments.

254  
255 **CITIZEN COMMENTS**

256  
257 Chair Corfman asked if there were any citizens interested in speaking. There were none  
258 so he asked for a motion to adjourn.

259  
260 **ADJOURN**

261  
262 **Motioned by Davis, seconded by Mrs. Buckham, to adjourn the meeting. The**  
263 **motion carried unanimously.**

264  
265 The meeting adjourned at 8:05 p.m.

266  
267 Submitted: Approved: