



7110 West "Q" Avenue  
Kalamazoo, Michigan 49009  
Phone (616) 375-1591  
Fax (616) 375-0791

## **ZONING BOARD MINUTES OF MEETING HELD MARCH 14, 2000**

A special meeting of the Charter Township of Texas Zoning Board was held on Tuesday, March 14, 2000, commencing at 7:00 p.m. at the Texas Township Hall. Members present: Steve Bosch, George Sprau, Barbara Huber, Bryan Lewis, Suzette Deaux, Tom Hamming. Members absent: Steve Woollam, Steve Bosch, and Attorney Lynda Thomsen. Also present were Clerk Linda Kerr, Treasurer Joyce Neubauer, Trustee Edward Woodhams, Zoning Administrator Jeff Mais and approximately 60 interested persons.

### **ITEM 1. CALL TO ORDER AND ROLL CALL**

Chairman Bosch called the meeting to order at approximately 7:00 p.m. Roll was called with the results shown above.

### **ITEM 2. SET AGENDA**

The agenda was not changed.

### **ITEM 3. APPROVAL OF MINUTES AND MISCELLANEOUS**

Moved by **Huber**, supported by **Lewis**, carried unanimously, to approve the minutes of the February 22, 2000 meeting.

### **ITEM 4. RURAL RESIDENTIAL ZONING – PUBLIC HEARING**

Chairman Bosch explained procedures for the public hearing. He stated Jay Kilpatrick, planner from Williams & Works, would give a brief synopsis of the proposed verbiage. He noted, due to the large number of people in the audience, he would place limits on the time for people to speak and asked that people not repeat what has already been mentioned. He explained that the Board did not have to make a decision tonight.

Mr. Kilpatrick gave a brief explanation of the amendment to the Right-to-Farm Act passed in December creating a requirement that any local zoning ordinances extending or expanding the terms of the Act and restricted agricultural be null and void. He noted that the Township Board directed the Zoning Board to take a look at an alternative zoning district to help institutionalize the land uses that are already in place in the township such as small family farms, hobby farms and the large acreage residential parcels. He explained that the main concern of the Township is to prevent the imposition of confined animal feeding operations from disturbing the aforementioned properties.

Mr. Kilpatrick clarified that tonight the text amendment only would be addressed at this public hearing. He said that if the Board decides to proceed with a Rural Residential District the mapping of the district would be addressed at a future public hearing. He explained that this district is intended to serve as a transition between the agricultural areas of the township and the residential areas of the township permitting low-density uses. He further explained that within this rural residential district permitted uses would still include single family residential, signs, accessory buildings, child care organizations, large one-acre plus gardens, and agricultural type animals at a less than commercial scale. In addition, in R-1 and R-2 residential districts those same rural recreational activities would be

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incorporated as special exception uses. He stated that also incorporated in the text amendment are dimensional definitions that parallel the existing agricultural district with the exception of building height. He reiterated that the meeting is to be opened for public comment as to whether or not to create a rural residential district, that the Zoning Board will then deliberate and make a recommendation to the Township Board who will make the final decision.

Chairman Bosch explained that the creation of this district does not change any current zoning. It is just a new classification in the zoning ordinance and how it is used will be determined at another time. The passing of this amendment will not automatically change any current zoning districts.

Trustee Woodhams gave a brief synopsis of a public town hall meeting that encouraged residents to voice their opinions on the Right-to-Farm act. He noted both Boards are concerned of taking action that the people in the community would like. He believed that the overall consensus of the meeting was to leave current zoning alone.

Chairman Bosch told the audience that when the Zoning Board developed the Land Use Plan a Rural Residential District was a part of that overall plan for the future. At that point Chairman Bosch opened the Public Hearing stating he would limit comments to two minutes each.

Anthony Badalmenti, 9251 West R Avenue, said he doesn't approve of State control. He expressed concerns with the limitations of the Rural Residential zoning. He felt this zoning district had the potential to remove 4-H, prevent replacement of animals, and prevent growth. He would prefer his property to remain agricultural. He stated that if we remove "rural" you have residential.

In response to a question from Mr. Rusty Stafford regarding the ability for a current operation to expand, Mr. Kilpatrick answered that expansion is not permitted in the current text. Expansion would have to be approved by the Zoning Board. He explained that the intent of the language is to define between rural and large commercial operations. He stated that most communities who have rural residential districts include agricultural in their text, but we have excluded all reference to ag due to concerns of large commercial operations settling in the township.

In response to a question from Mr. David Farnham as to whether zoning changes have been made, Chairman Bosch explained that the zoning is recorded at the township office. Mr. Farnham said he supports keeping Texas Township a farming community in the agricultural areas.

Mr. Ken McDonald, 8781 W. RS Ave., referred to an article in the Portage Kalamazoo Gazette that referenced a statement by Mr. Kilpatrick and one by Attorney Thomsen. The article stated the Township was making decisions on "uncertainty" and "insufficient information" in regards to the intent of the new law. He also referenced a memorandum from Jay Kilpatrick to the Township Board regarding animals and larger gardens. This memorandum also noted "uncertainty" in regards to the new law. He asked why the township would even consider making changes based on "uncertainty" and "insufficient information?"

Mr. Doug Kellogg, 8830 W. RS Ave., reiterated Mr. McDonald's opinion that the farmers in the community are concerned of losing their lifesavings invested into their farm properties, their afraid of urban sprawl, and they don't want to have the agricultural zoning taken away from them. They object to others making their decisions and want to be left to their farming without interference.

Following continued comments from members of the audience regarding replacing animals and/or selling property to a new owner who wants animals Chairman Bosch reiterated that at this point no property would be rezoned to the new district.



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Mr. Rich Andrews, 7650 S. 8<sup>th</sup> Street, stated he felt that the developers were pushing for Rural Residential zoning and he resents it. Several other members of the audience expressed similar opinions including wanting bureaucracy and politics out of their lives. The general consensus of the members in the audience was to leave the agricultural district in place.

Chairman Bosch reminded that the positions on the Zoning Board are voluntary, the members also live in this township and are here to listen to what the people want. Adversary comments are not necessary; the Board's personal opinions, supportive or not, are not the issue; what the community wants is the issue.

Mrs. Jacquelyn Pappish, 6677 S. 1<sup>st</sup> Street, asked about the item on the agenda referring to the Boven property. Chairman Bosch explained the applicant was asking for a text amendment to allow cluster open space development in agricultural zoning. He also explained that any parcel in agricultural, rural residential or residential zones could have a plat development. Remaining agricultural does not prevent plats from developing in your area. One resident requested the township put zoning into place that would rule out high density and insist homes be placed on 15 or 20 acres.

Kathy Buckham, 6508 W R Avenue, suggested the Township look at the livestock per acre issue and updates it. She stated the ordinance is incorrect and recommended people in the community familiar with the issue be utilized to make the corrections.

Mr. Jeff Ross, W RS Ave., encouraged the people in control to think through carefully about the future and what the decisions being made today will do to the community in the future.

Chairman Bosch closed the public hearing. He asked for comments from the Board.

Mr. Brian Lewis discussed the land use plan and his concerns during its development. He believes the board should spend more time on development and urban sprawl than agricultural.

Ms. Barbara Huber reminded residents that during the planning stages of the land use plan they tried to put in a stipulation for larger lot sizes for homes. It did not pass because people who owned land wanted the option of selling off smaller parcels if they so chose. She also reminded people that they probably bought their 10 acres or so from farmers; therefore participating in the gradual loss of farm lands. She stated that she still believes there should be a buffer zoning between agricultural and residential, but that she also understands the problems presented to those who wish to have animals and continue farming.

In response to a question regarding allowing plats in agricultural zoning, Chairman Bosch explained plats can go into any zoning; as long as they follow the current requirements in the ordinance nothing can be done to prevent them from going in.

Mr. George Sprau stated that he believes the R-1 district could be implemented to do the same as the proposed rural residential district. Mr. Hamming agreed with Mr. Sprau.

**Mr. Lewis** moved to recommend to the Township Board that we do not adopt the Rural Residential District within the township as written. **Mr. Sprau** supported the motion. The motion carried 5 to 1.

Items 5, 6 and 7 remained on the table.

**Item 8.     Mark Boven**

**Item: ZB00-105**

**Property: not relevant**

**Request: Text amendment for cluster development in Ag district.**

Board Members discussed cluster development. It was determined that Mr. Boven had various options to pursue. He could seek a rezoning; he could continue to

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pursue the PUD ordinance or he could plat the land. It was suggested the staff write a letter to Mr. Boven and suggest he look at the existing ordinances. Mr. Kilpatrick stated there is more flexibility for the developer to go with the PUD. A compromise would be to get Mr. Boven to agree to develop 50% of the area, leaving 50% open space. Chairman Bosch questioned what the main reasons were for excluding the agricultural district from the PUD Ordinance? Mr. Kilpatrick stated that came from the Township Board who wanted to restrict the ag area to larger single family homes or agriculture. Chairman Bosch and Ms. Huber stated the Zoning Board was in favor of the PUD in the agricultural district. It was the Township Board who excluded the agricultural district. Ms. Huber stated the reason the PUD ordinance is weak is because what was passed was politically acceptable. Mr. Kilpatrick said he believes an acceptable option in this case would be a text amendment to the PUD Ordinance to permit a PUD in the agricultural district with the provision a on-site community water and sewer system be provided. Chairman Bosch summarized the general feeling from board members that amending the PUD ordinance would be a more viable solution as opposed to creating a cluster development ordinance. Mr. Lewis noted that the Land Use Plan stated residents were in favor of preserving the agricultural district. An amendment to the PUD ordinance would better meet this goal. Ms. Deaux asked what some of the history was behind the PUD Ordinance. Ms. Huber explained the density bonus. Chairman Bosch reviewed some of the other bonuses in the PUD. He stated the charge from the Township Board was to control the density by encouraging other types of bonuses such as setbacks, infrastructure, etc. Therefore, the Zoning Board gave in on the density requirements in order to get a PUD in place. Following further discussion re PUD's,

Ms. Huber **moved** to direct Zoning Administrator Jeff Mais to gather information for amending the PUD ordinance as a permitted use in the agricultural zone, to investigate increased open space and density bonus and gather other health department approved information on septic systems. Mr. Sprau **supported**. The motion **carried** unanimously.

### ITEM 9. CITIZEN'S COMMENTS

Mr. Tom Rogers asked why the PUD was not included in the ag zoning. Chairman Bosch stated that was one of the "give and takes" that occurred during the creation of this ordinance. The Zoning Board felt it was better to get something in place, try it out and make changes later on if requested. This could be the first test. Mr. Rogers applauded the last motion.

Clerk Kerr noted the PUD has been in place a couple of years and that no one has used it. She suggested that perhaps now is the time to amend the ordinance to encourage developers to use the PUD.

Treasurer Neubauer complimented Chairman Bosch and the rest of the Board on the way they conducted the public hearing.

### ITEM 10. ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,  
Brian Lewis, Secretary