

Milton Township

32097 Bertrand St, Niles, MI 49120

Phone: (269) 684-7262

Fax: (269) 684-1742

Website: www.miltontwp.org

Email: milton@miltontwp.org

Agenda for Milton Township Planning Commission Meeting

Smith Chapel Building, 29858 Redfield Street., Niles, MI

PLANNING COMMISSION MEETING

October 7th, 2013 6:30 P.M.

FINAL

Planning Commission Members

Kara Boyles, Jeremy Clanton, Richard Hebard, Geoff Klopenstine Sandra Redman, Karen Shirk, Kelly Sweeney

Call to Order/Pledge of Allegiance:

- Meeting was called to order at 6:31 PM
- Pledge of Allegiance was recited.
- All were present with the exception of Sandra Redman.

Public Hearing for Proposed Rezoning from Rural Residential to Single Family Residential:

This Document is Attachment A of these minutes

Attendees:

38 public
 2 developers
 6 member PC
 1 recorder (Administrative Assistant)
 1 attorney (Kaufman)
 2 planners (Moore, Gilbert)
 1 Township supervisor (Benjamin)
 1 Sheriff

1. **Opening remarks by Richard Hebard, Chairperson**
2. **Remarks by Catherine Kaufman, Township Attorney**

Attorney Kaufman pointed out a potential conflict of interest. Commissioner Klopenstine tried to purchase property adjacent to subject parcels. Klopenstine indicated that his offer was rejected - has no financial interest in the property and will not be pursuing the issue further

Motion: Kelly made that there is no conflict of interest with Dr. Klopenstine participating regarding the public hearing and rezoning discussion outline above

Seconded: Jeremy

Discussion: Brief discussion

Motion passed after a roll call vote

Those voting "yes" were: Kelly, Kara, Jeff, Jeremy, Karen, Richard

Those voting "no" were:

Those abstaining were:

Those absent were: Sandra

3. Announcement of hearing rules: Kelly Sweeney

- a. **Remarks and/or recommendation by Zoning Administrator**
 b. **Presentation by Applicant**

Applicant John Lynn of Abonmarche & and David Eckrich were present to discuss the project

Lynn described the property, reviewed soils, topography.

- 162 acres
- Project will generally be modeled after the Reserve at Knollwood
- Proposed that access from Gumwood could be approximately ¼ mi. N of State line
- Project would have quality road construction, street trees, numerous amenities, pocket parks, etc.
- Storm drainage maintained on site, and no financial burden would be placed on the Township.

Lynn stated 4 reasons that the rezoning should be approved:

1. Improved likelihood that the Township would achieve the Master Plan
2. Improves neighborhood ability to be self-sustaining
3. "Smarter Growth" reduces development pressure on agricultural properties when compared to the RR district
4. Allows for more efficient delivery of services when compared to the RR district

- c. **Planner of Record Advising Opinion-Andy Moore**

- Planner Moore read his report into the official record (Attachment B)
- Planner Moore's report recommended approval

- d. **Remarks and/or recommendation by Zoning Administrator, Paul Snidecki**

- Applicant is not required to present a development plan at this time. There are still mechanisms in ordinance to allow hearings on whatever is proposed for the site
- Milton Township posted signs on the property indicating there was a proposed rezoning and received many phone calls
- Mailed out 104 notices
- Received 2 letters in opposition of the project that will be read during the public hearing
- Most phone calls were people asking if it was going to be rezoned to commercial or industrial
- Other calls stated they were concerned about water and septic systems
- Usually prepares report evaluating the proposed rezoning but in this case he defers to the Planner's report.
- Snidecki provided minutes from the 4/16/12 Township Board meeting to be entered into the record.
- **Chairman Hebard asked that 4/16/12 Township Board minutes be entered into record (attachment D)**

Public Hearing was opened for Public Comment at 7:05 PM

- e. **People in the audience speaking in support of the application**

Michael Blakesley 60700 Merle St, South Bend, Indiana

Owns 10 acres adjacent to subject property
 Considers the request a "reasonable" idea
 Assumes it will increase tax base

Eric Cole 32031 Worrell Rd., Niles, Michigan

Supports proposal
 As a farmer he feels it will reduce development pressure on farmland
 Adams Rd Development Corporation has done a good job
 Sees it as avenue for farmland preservation

J.D. Peacock – 32794 Cayuga Height Ln (in the Reserve)

Adams Rd Development Corporation has great track record and commitment to outstanding development
 Reserve has been beautifully maintained
 Rezoning would be advantage
 Adams Rd Development Corporation has always done things correctly

Chairman Hebard asked for further comments in support of the rezoning. Hearing none, at 7:11 pm Chairman Hebard asked for comments from those opposed to the rezoning.

f. People in the audience speaking in opposition of the application

Paul Romanetz – 71048 Gumwood Rd., Niles, Michigan

Owens property east of subject parcels
 Read a letter he sent to the Township (see Attachment C)
 Questions viability on maintaining rural & wildlife area
 Why do we build to maintain “rural character?”
 Mentions the challenge of maintaining the quality of the aquifer

Virginia Kraft- Resident of Milton Township

Questions viability of destroying nature
 Mentions that new development will cause noise
 Sees no reason to “build to maintain rural character”
 Is concerned that if there is no place for the animals to go they will end up in peoples yards, and there is already a deer problem

Chris Forbes – lives in Indiana (didn't provide address)

His backyard borders parcels
 Concerned about where the property line is drawn and if it will affect his property.
 The left turn from Wagon Wheel on to Gumwood is unsafe
 Has concerns w/driveway location and visibility problems

Sally Potts – 188 Marlowe Way – Granger IN

Just don't know enough
 Do we know how much woods would be destroyed?
 When will road be built? Will there be only one way out?
 Would like more detailed plans published in the newsletter or on the website

Paul Churches – 71382 Sanderling Drive, (Kestrel Neighborhood Development)

Developer would need to access property to the left and right of Gumwood
 Will this be a gated community again?
 Not necessarily opposed, but has questions
 Traffic concerns regarding Gumwood
 Could the site be accessed off Redfield?
 Visibility on Redfield is limited

Bill Manecke – 16167 Marlowe Way – Granger IN

His property abuts subject properties
 He doesn't think PC has enough info to make a decision
 Requests that the PC table the application
 Wants developer to come back with more concrete plans.
 Adding more homes & more traffic could be dangerous

Don Petersen – 70819 Brush Rd., Niles, MI

Very concerned about ins & outs
 Wants more definite plan from the developers
 Wants to know the minimum lot size
 Concerned about road access – especially concerned about Gumwood

Randy Griffin – 70949 Griffin Rd., Niles, MI

Written letter received 10-07-2013 was read and entered into the record (Attachment E)

At this time Zoning Administrator Snidecki acknowledged the two letters the Township received in opposition to the rezoning and asked that they be entered into the record (attachments D and E).

Mr. Romanetz's letter was not read aloud as Mr. Romanetz was present and read his letter earlier. Zoning Administrator Sniadecki did read a letter from Randy Griffin of 79049 Fir Road, who was not in attendance.

Chairman Hebard allowed Michael Blakesley, Paul Churches and Sally Potts to speak again in opposition of the proposed rezoning.

Chairman Hebard asked if there were additional comments in opposition to the proposed rezoning. Hearing none, he closed the public hearing at 7:36 pm.

g. Applicants rebuttal

The applicant was given an opportunity to respond to the comments made by the public. Mr. Lynn responded, indicating that it is their intent and desire to retain natural features. He said they will design their project to protect the rural character of the Township. Many of the issues with water in Granger that were mentioned were a result of result of pre-septic disposal methods. He also noted that the Reserve was developed as a site condominium, not a subdivision.

David Eckhart (also with applicant) said they will work to make ingress/egress onto Gumwood safer

Attorney Kaufman informed the planning commission that the proposed rezoning must be considered on its own merits; approval cannot be tied to a specific project unless it's a conditional rezoning.

Continuation of Regular Meeting

Announcements from Supervisor, Robert Benjamin:

1. Robert Benjamin introduced Karen Shirk to the planning commission.
2. Cass County Road Commission (CCRC) wants to develop a new 3-year road plan with the Township input.
3. CCRC is looking at an engineering study of the Gumwood & Redfield intersection.
4. The Cass County Planning Commission is requesting Milton PC input on their master plan.

Approval of Agenda:

- Current agenda was approved.

Approval of Previous Minutes:

Motion:	Jeremy made a motion to approve the minutes from the 09-09-2013 Meeting as presented	
Seconded:	Geoff	
Discussion:	No Corrections	
Vote:	All in Favor: 7	Nays: None

Motion passed

Anyone Wishing to Speak to the Planning Commission: (3 min/person)

No further input shall be allowed from the applicant or the public regarding the Rezoning issue from above.

Community Reports:

1. Zoning Administrator-gave his report and status update.

- Township received numerous phone calls about the rezoning. The signs were very effective. In the future we should amend our ordinance to include that website on the signs.
 - Approved 1 site plan
 - There were several large Parcels that are in the process of being combined.
 - Township has been in litigation since 2011 on a zoning issue and the supreme court just declined to hear the case.
2. Township Board Representative-Kelly Sweeney gave his report and status update.
 - Today, Monday, October 7, 2013 the Board of Trustees had a ground-breaking ceremony for the new township building.
 - The Board of Trustees is pleased that the entire PC has committed to taking the Citizen Planner Course.
 - The Niles Area Transportation System (NATS), CCRC and the Township is looking at how we can utilize available matching funds to work on the Gumwood/Redfield intersection.
 3. Zoning Board of Appeals Representative- Jeremy Clanton
 - After a discussion, the ZBA applicant changed his plans so the structure would be the size of the current non-conformity. Based on the revised variance request, the ZBA granted the modified variance request to build only within the existing non-conformity dimensions.

Old Business:

1. Deliberation on the Application to Rezone above listed parcels in accordance with Article XVI, Section 16.08 of the Milton Township Zoning Ordinance.

PC Deliberation on Rezoning 7:55 pm

Discussion items:

Sweeney said it meets M.P. & they should approve

Hebard reviewed rationale behind MP FLU creation

Shirk says they should really only consider density, not traffic, retention issues, etc.

Hebard discussion of traffic

Cass County Road Commission has & will continue to look at Gumwood/Redfield intersection

Discussion of tax value & tax base

Discussion of lot density

Discussion of intent of Z.O.

Questions in view statement saying "lessen congestion"

Motion: Motion made by Kelly to recommend approval to the Board of Trustee's for the rezoning application request to rezone from Rural Residential (RR) to become Single Family (SFR) the following parcels of land:

PARCEL ID NUMBER	APPROXIMATE SIZE (+/-) (from CCMAP)
14-070-021-013-00	3.79
14-070-021-011-00	34.43
14-070-021-008-00	33.85
14-070-021-015-00	83.01
14-070-021-009-00	10.17

Based on the following Key issues required by article 16.08 (D) of the zoning ordinance: we find

1. The proposed rezoned land to become SFR is consistent with the Milton Twp Future Land use Plan and supporting text adopted June 2012
2. The stated intent of a new SFR development is consistent with all surrounding properties and is an efficient use of township land, which complies with Goal 4 of the Master Plan.
3. The proposed residential development will have a negligible impact on public facilities and services while in turn will provide increased pro-rata tax base to improve public facilities and services to the township as a whole.
4. The intent and purpose of the Township Zoning Ordinance is upheld by this proposed rezoning specifically in regards to Article 1 General Provisions Section 1.02 Purposes.

Seconded: Kara

Discussion: Richard pointed out that the Master Plan (MP) has 4 specific items (listed above) and if the proposed rezoning is compatible with the land use plan then we must approve it. Richard further explained the current zoning map and the future land use map that is part of the Master Plan. This MP and Future Land use map was worked on by several of the members on this board, as well as Williams and Works. Kelly stated that the rezoning meets # 1 of the MP. Jeremy discussed his understanding of the future land use map and that the map determines where future growth would go. This is why sections became yellow. Jeremy further stated that if it fits the MP we must approve it. Richard added on to the previous statements showing the parcels that have evolved and have been wasted, especially farmland, because previous PC's. Our rezoning goal is to be efficient with the land use and that is why the future land use has this area labeled as SFR in the future. In addition, the parcels are adjacent to other SFR parcels. The applicant is proposing rezoning that is adjacent to current SFR use, it's a natural progression. The density is higher in Indiana and Kestrel Hill than what will be allowed under our zoning ordinances.

#2 Impact on surrounding Properties and dwellings. Richard stated adjacent land uses are SFR and RR, plus there is high density SFR in Indiana. Zoning Ordinance is trying to protect abutting AG production. There is no specific layout at this time but what is being requested is similar to adjacent land uses and will have less density. Karen brought up a concern about the impact on traffic but at this time this is not the point in the process where we can discuss it. Richard, stated that this request is somewhat mild because the rezoning would take it from RR to SFR.

#3 Affect on public utilities/services, roads and infrastructure. Richard stated the primary arteries are heavily traveled and those that will bear the increased traffic, are: Fir, Brush and Gumwood. Gumwood is a main pass through artery from people traveling from Niles to South Bend. The Indiana side is currently in the process of installing a 3 lane road (2 travel lanes and 1 turn lane) with round-abouts to increase traffic flow on the Indiana side. Kelly stated that the CCRC just recently completed a study on Gumwood, both on the North and South of Redfield. This data is currently being analyzed. Richard also stated that CCRC is studying Gumwood from the state line to US 12. In addition, Kelly stated that the PC has been talking to the CCRC about the Redfield intersection. Richard stated that the new roads in the SFR zoning district, would be maintained by the residents who live there and be an issue for the township. Public services such as fire, ambulance, police would be the only impact. Jeremy added that the increase tax base would help support these increased costs. The Planner, Andy Moore said that the tax base would depend on the value of the home. The Planner further stated that the current zoning (RR) would allow 60-70 home and the SFR as proposed (60,000 sq ft) would equal 100 homes max. Kelly also mentioned that the County has already "classified" land based on anticipated future uses. This is displayed

at the township hall. Kelly also likes the fact that they will be private roads that will be maintained by the residents, not the township. We are currently, spending money to repair the Kestrel Hills roads. Private Roads won't tax the township.

#4 Relationship of the application to the township Zoning Ordinance. Richard read from the township zoning ordinance Article 1 General Provisions Section 1.02 Sub items A-F.

- A. Promoting and protecting the public health, safety, and general welfare.
- B. Protecting the character and the stability of the agricultural, recreational, residential, commercial and other areas with the Township and promoting the orderly and beneficial development of such areas.
- C. Regulating the intensity of use of land and lot areas and determining the area of open space surrounding buildings and structures necessary to provide adequate light and air to protect the public health and convenience of access to property.
- D. Lessening and avoiding congestion on the public highways and streets
- E. Providing for the needs of recreation, residence, commerce, industry and other land uses in future growth.
- F. Preserving agricultural lands which have been determined within the Land Use Plan to be essential to the stability and future economic well being of the Township.

Richard then referred to the William and Works document. Kelly brought up the issue of increased traffic and roundabouts stating he was skeptical that they would work but has seen the positive effect on traffic at Ironwood and Auten. Richard also stated that promotion and protecting septic design and said that there are 2 types of soils in the area and they make for very appropriate septic systems. There is also plenty of room for 2 septic fields. The Master Plan is trying to preserve prime farmland in the township that has good soils for crops. Based on the Soil type this property is not prime farmland. Kelly also met with the Cass County Health Department on 09-30-2013, with Brian and he said that 1 acre is plenty of room for 2 septic fields and doesn't see that as an issue. We also have the minutes from the Board of Trustees where both Indiana and Michigan Representatives stated that 1 acre lots are more than adequate for septic fields. Richard stated that planned communities allow for more efficient use of the land than 2 acre lots in RR. Karen restated her concern about congestion. Based on her analysis it would be an additional 60 cars in and out and traveling on Gumwood.

Motion passed after a roll call vote

Those voting "yes" were: Kelly, Kara, Jeff, Jeremy, Karen, Richard

Those voting "no" were:

Those abstaining were:

Those absent were: Sandra

The rezoning request will now move to the Cass County Planning Commission and then to the Board of Trustees. The earliest this request could be sent to the BOT is Nov 18th, 2013

2. Zoning Ordinance Update-Sub-committee members: Richard and Kelly
 - a. By the end of October we should have the zoning ordinance completed to send to the PC, the attorney and the planner of record.
3. Master Plan - PC- Goal assignments - Continue Discussion on approach and schedule
 - a. Tracker of Goal assignments
 - i. Rural Character
 - ii. Ag Preservation
4. Update on PC Members' Citizen Planner Training Course.

- a. The attendees almost half way through the training and are learning a lot of information.

New Business: None

Planning Commission Member Comments:

1. The Planning Commission accepts the resignation of Sandra Redman from the Planning Commission.

Announcements:

Adjournment:

Motion: Kelly made a motion to adjourn the meeting
 Seconded: Kara
 Vote: All in Favor: 7 Nays: None
Motion passed

Meeting was adjourned at 8:41 PM

Minutes respectfully submitted by Kelly Sweeney

10-7-13 PC meeting
Att. A 10 pages

NOTICE OF PUBLIC HEARING

Proposed Property Rezoning

MILTON TOWNSHIP, CASS COUNTY, MI
32097 Bertrand St
Niles, MI 49120

To: The residents and property owners of Milton Township, Cass County Michigan and any other interested parties.

PLEASE TAKE NOTICE the Planning Commission of Milton Township, Cass County Michigan will hold a Public Hearing on Monday, October 7, 2013, commencing at 6:30p.m., to be held at the Smith Chapel Building (a Milton Township owned facility) located at 29858 Redfield Street, Niles MI 49120, for the purpose of considering an application, submitted by Gumwood Holdings LLC/Adama Road Development II Corporation, to re-zone five (5) land parcels, pursuant to Article XVI, Section 16.08 of the Milton Township Zoning Ordinance.

PLEASE TAKE FURTHER NOTICE that the items to be considered at said Public Hearing and Meeting location include, in brief, the following:

- 1) The consideration, and taking of, Public Comments about the Application to Rezone approximately 165 (+/-) acres, in Land Section 21, from the Rural Residential (RR) Zoning District to the Single Family Residential (SFR) Zoning District. The parcels are listed on the Future Land Use Map of the Milton Township Master Plan as being within the area planned for possible Single Family Residential (SFR) use. The parcels involved are as follows:

PARCEL ID NUMBER	APPROXIMATE SIZE (+/-) (from CCMAP)
14-070-021-013-00	3.79
14-070-021-011-00	34.43
14-070-021-008-00	33.86
14-070-021-015-00	83.01
14-070-021-009-00	10.17

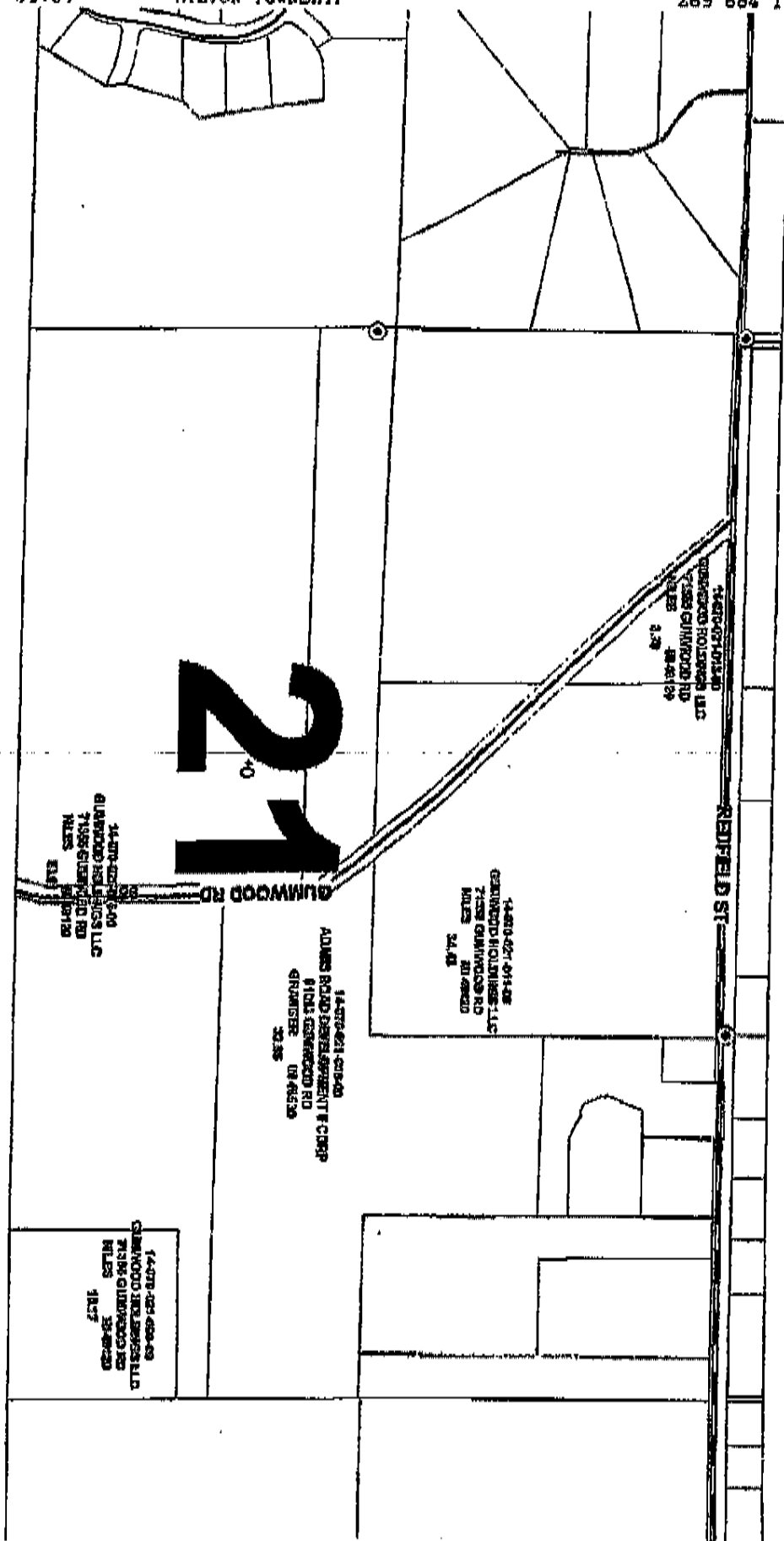
- 2) After the close of the Public Hearing, the Regular Planning Commission October Meeting will be held at the Smith Chapel location, beginning no earlier than 7pm. During the regular meeting, the Planning Commission will further consider the Application to Rezone said parcels in accordance with Article XVI, Section 16.08 of the Milton Township Zoning Ordinance.

PLEASE TAKE FURTHER NOTICE that written comments will be taken from any interested persons concerning the foregoing proposed amendments, at the Milton Township Hall, at the address set forth above, at any time during regular business hours up to 4:00 o'clock p.m. on

the date of said hearing, and will further be received by the Planning Commission at the time of said hearing.

PLEASE TAKE FURTHER NOTICE that all persons interested in the foregoing are invited to be present at the aforesaid Public Hearing time and place to participate in the proceedings. Copies of the Application to Rezone and applicable maps are available for inspection at the Milton Township Hall during regular open business hours. More information can be obtained by calling Milton Township at 269-684-7262. Individuals with disabilities requiring auxiliary aids or services, and wish to attend the hearing, should contact the office of the Township Clerk, by writing or calling the Clerk, at least five (5) days prior to the hearing to ensure needed accommodations.

Sue Kronewitter, Clerk
Milton Township, Cass County, Michigan



MILTON TOWNSHIP

32097 Bertrand St.
Niles MI 49120

APPLICATION FOR REZONING

Property Location/Address: West side of Gumwood Road, adjacent to Indiana/Michigan State Line
Parcel/Property ID#: 14-070-021-015-00
Name of Owner: Adams Road Develeopment II Corp. & Gumwood Holdings LLC
Name of Applicant: David H. Eckrich
Phone: 574-277-7660
Address of Applicant: 51013 Gumwood Road, Granger, IN 46530

Applicant's Interest in the Property if not the Owner:

Signature of Applicant: [Signature] Date: 8-16-13

Reason for Rezoning Request, Including A Description of the Proposed Uses for the Property,
Please see attached letter.

Description of Sewage Disposal and Water Supply Facilities and Proposed Surface Drainage:
Please see attached letter.

Please attach a legal description of the property and a site plan drawn to scale showing the dimensions of the property and the location of all existing improvements. (Note: Fees as listed on the Milton Township Schedule of Fees must accompany this application.)

For Office Use Only
Date of Review by Zoning Administrator./Application Complete: 9/3/13 - complete
Recommendations: _____

Date of Public Hearing: _____
Date of Planning Commission Review: _____
Recommendations: _____
Date of Board Action: _____
Reason for Board Action: _____
Approved/Denied and Date: _____



Engineering
Architecture
Land Surveying
Marina/Waterfront
Community Planning
Landscape Architecture
Development Services

AUGUST 16, 2013

MILTON TOWNSHIP PLANNING COMMISSION
2576 Bertrand Road
Niles, MI 49120

ATTENTION: MR. PAUL SNIADOCKI
Zoning Administrator

RE: **REZONING APPLICATION**
Parcels: 14-070-021-008-00
14-070-021-009-00
14-070-021-011-00
14-070-021-013-00
14-070-021-015-00

Dear Mr. Sniadecki:

On behalf of Adams Road Development II Corporation, we are pleased to submit for your review, an application to rezone the above referenced parcels from Rural Residential to Single Family Residential for a new residential neighborhood.

Existing Site Conditions:

The total area of the parcels referenced above (Subject Parcels) is approximately 162 acres. There are three existing residential structures and multiple outbuildings. The site is generally rolling topography with woods and scrub/brush vegetation. The parcels are currently zoned Rural-Residential.

West of the Subject Parcels is Kestrel Hills Subdivision (zoned Single Family, 30,000 sft, lots-1.2 acres per lot). North of the Subject Parcels open land with young, scrub vegetation and wooded areas (zoned Rural Residential). There are several existing residential structures adjacent along Gumwood and Redfield Street. East of the site is a mixture of wooded residential lots and open land (zoned Rural Residential). South of the site is Knollwood Subdivision (15,000 sft lots - 0.9 acres per lot).

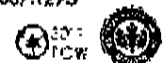
750 Lincoln Way East
South Bend, IN 46601
574.232.8700

3177 Willowcreek Road
Portage, IN 46368
219.850.4624

95 West Main Street
Benton Harbor, MI 49022
269.927.2295

361 First Street
Manistee, MI 49660
231.723.1198

803 Quaker Street
South Haven, MI 49090
269.637.1293



According to the USDA Soil Survey of Cass County, the soils on the site are loamy sands which are generally favorable for on-site septic treatment system. The parcels are within the St. Joseph Valley Aquifer which is an excellent and ample source of high quality drinking water.

Description of Proposed Use:

The rezoning of these parcels will facilitate the creation of a new single family neighborhood, similar to The Reserve, with numerous amenities adding quality of life.

Access to the neighborhood will likely be from safe locations along Gumwood Road. The home sites shall be accessed by a private asphalt roadway. Each home, along with the access road, will provide adequate parking for the residents and guests. The road shall be owned and maintained by the homeowners.

The homes shall be serviced by individual well and septic fields pursuant to the approval of the Cass County Health Department.

Storm water runoff generated by this development shall be captured and retained onsite. Retention areas and drainage systems shall be owned and maintained by the homeowners.

Rezoning Request:

We respectfully request a zoning amendment from Rural Residential to Single Family Residential to facilitate the creation of the neighborhood described above.

Compatibility:


1. Milton Township Master Plan identifies the Subject Parcels as Single Family Residential on the Future Land Use Map.
2. The requested zoning is consistent with the use currently allowed west and adjacent to the site (Kestrel Hills).
3. The proposed neighborhood proposes less density than Kestrel Hills.
4. The proposed neighborhood proposes significantly less density than the use just south of the site (Knollwood Subdivision).
5. The neighborhood will provide a transition from the more intense uses west and south of the site, to more open uses north and east of the site.
6. The rezoning promotes farmland preservation.



7. The soils on the site are favorable for septic.
8. Ample water supply exists and supplying this neighborhood is insignificant relative to the tens of thousands of users adjacent to the site.
9. Additional homes will provide added tax base to the community.
10. The project will provide a different housing option for living in Milton Township.
11. The design provides for efficient delivery of needed services, now and in the future.

We look forward to working with Milton Township to successfully develop this neighborhood and create a valuable asset for the community.

Sincerely,

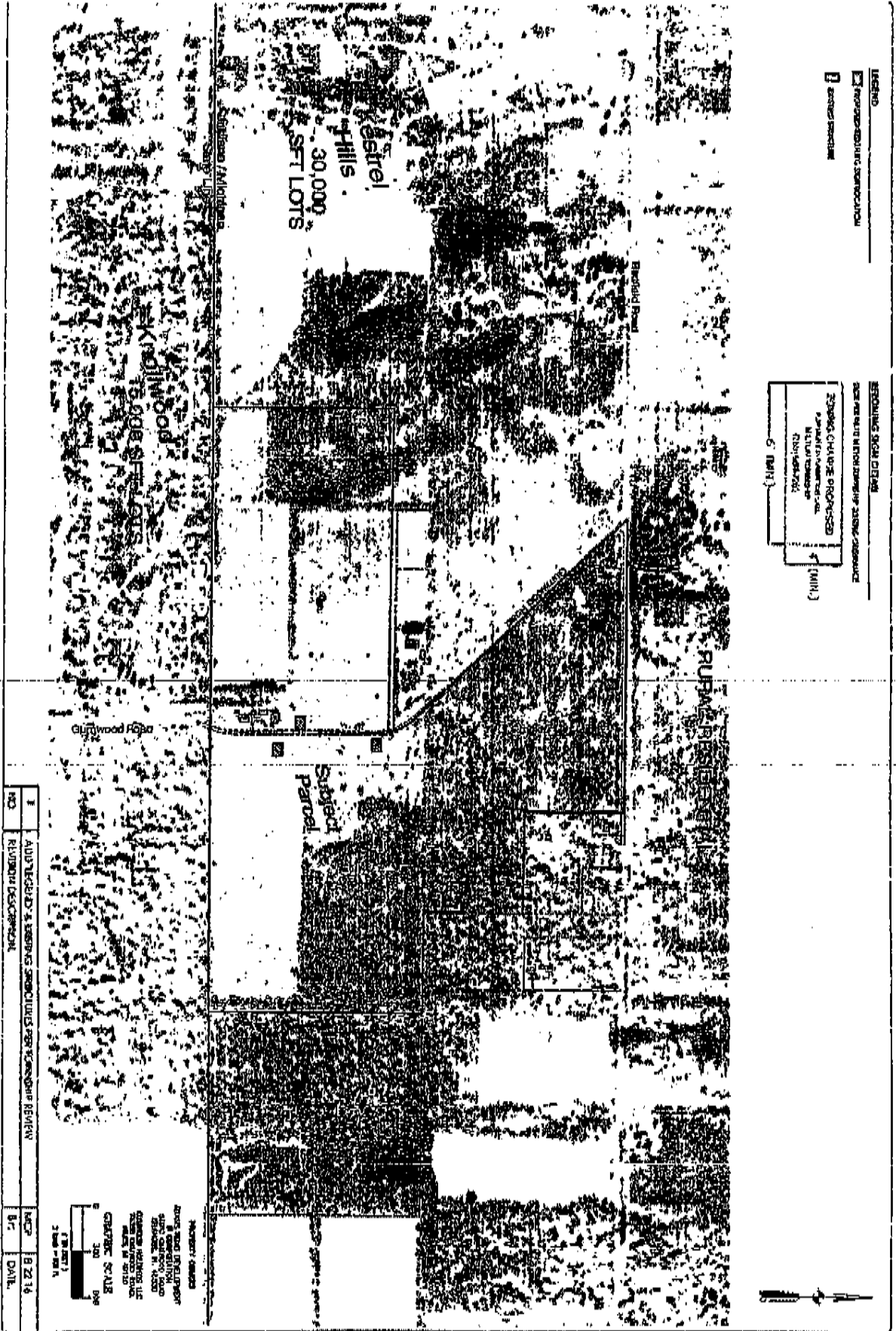


John W. Linn, P.E.,
President

cc: David H. Eckrich, President
Adams Road Development II Corp.

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LEGEND
 REZONING (SHOWN IN TRANSPARENT)
 GUMWOOD ROAD

REZONING SCALE DEMO
 DEMO NOT TO BE USED FOR ANY PURPOSES
 20' SCALE CHANGE OF 100' (100' = 100')
 1" (100')
 5' (100')

NO.	ADDITIOINAL COMMENTS	DATE
1	ADDITIOINAL COMMENTS	8/22/14

PROPERTY OWNER
 GUMWOOD HOLDINGS LLC
 1500 GUMWOOD ROAD
 SUITE 200
 BOSTON, MA 02118
 TEL: 617-552-1111
 FAX: 617-552-1112

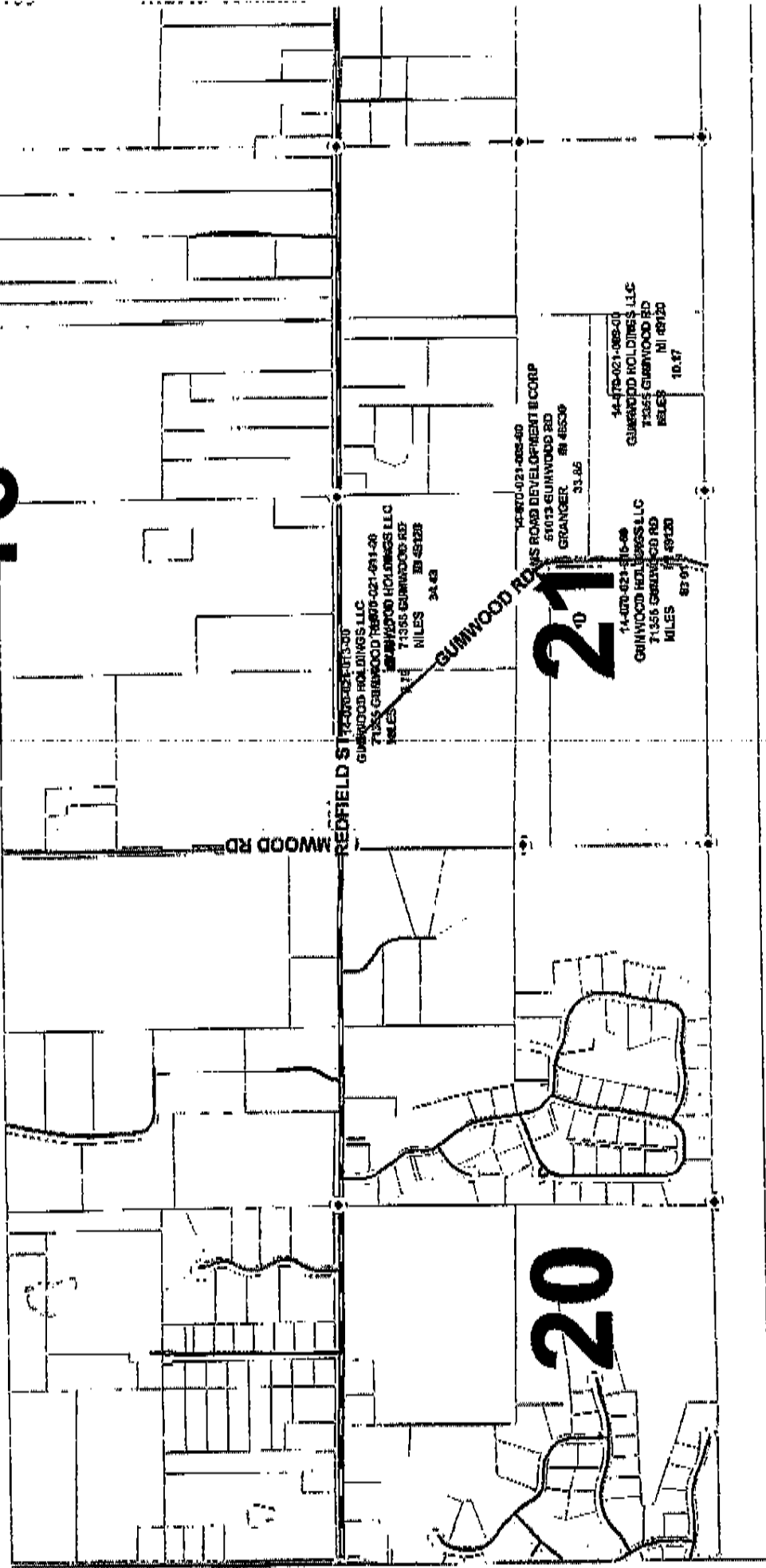
REZONING

GUMWOOD ROAD

ABONMARCHÉ
 Conscience by Design

150 Lincoln Way East
 South Haven, MI 49780
 269.684.1742
 269.684.1743

1515 Wayne St
 South Haven, MI
 49780
 269.684.1742



Email Usage: 4% of 10 GB

Email

YOU
Background Info

ACHIEVE!

- Jack Marinelli
- Job Hunting
- JON
- Kelly-Orders
- Lolo&Lola
- Merck
- Milton Township (7)
- Nana and Da (2)
- NATS (3)
- Novartis
- Planning Commission
- Soclettes etc Short Bo
- Walgreens & Option O
- Zoning Board of Appor

New Get Mail Reply Reply to All Forward Delete Move Spam Print

CLOSE Background Information for Public Hearing on the Rezoning Application - 10/7/2013 630pm

Sent By: Paul Sniadecki Zoning Admin On: Oct 10/02/13 4:29 PM

To: Paul Sniadecki Zoning Admin
Reply to: Paul Sniadecki Zoning Admin

Water_Seplic_In., RCT_Meeting.pdf (142.0 KB) [Download](#) | [Remove](#)

TO: PC Commissioners and Others (you were bcc'd on this message)

This message is to share information with you relative to the subject Public Hearing.

- 1) The **REZONING NOTICE SIGNS** were properly posted on the properties being considered for Rezoning from Rural Residential to Single Family Residential. Article XVI, Section 16.10 requires that the ZA provide this information to the Planning Commission.
- 2) The Township has received many phone calls as a result of the Public Notices and the Signs. Cori, our Admin Assistant, and myself, have responded to the vast majority of the phone calls.
- 3) The leading concern, based on phone calls, appears to be: Is this area going to be rezoned for Commercial or Industrial Use?
- 4) Our general response has been: The area is being proposed to be rezoned from one type of residential use (Rural Residential) to another type of residential use (Single Family Residential). When people ask what does that mean?, our response has been: Rural Residential has a minimum parcel/lot size of 2 acres, while SFR has a minimum parcel/lot size of 60,000 sq feet (approx 1.3 acres).



PROMOTIONS



Williams & Works

engineers . planners . surveyors *a tradition of service*

MEMORANDUM

TO: Milton Township Planning Commission

FROM: Andy Moore, AICP
Kendall Gilbert

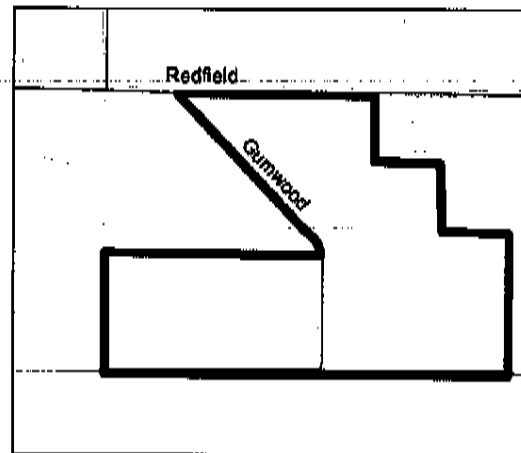
DATE: October 2, 2013

RE: Gumwood Holdings LLC/Adams Road Development Corporation Rezoning Application

David H. Eckrich, on behalf of Gumwood Holdings LLC/Adams Road Development II Corporation, has submitted an application to rezone approximately 165 acres of land near the intersection of Redfield and Gumwood from the Rural Residential (RR) zoning district to the Single Family Residential (SFR) zoning district (see Map 1). According to the information submitted, the applicant plans to build a new single-family residential neighborhood on the subject properties. The purpose of this memorandum is to review the application pursuant to Section 16.08 of the Township Zoning Ordinance, which regulates zoning amendments.

Background

The application materials indicate that the proposed rezoning is for "the creation of a new single family neighborhood, similar to other area housing development and will offer numerous amenities." They specifically compare it to a development called "The Reserve", which is a gated residential development on Redfield Street just west of the subject properties. In The Reserve, parcels are generally wooded and range in area from about 0.75 acres to 1 acre.



Map 1. Properties proposed for rezoning

The applicant has also suggested that the neighborhood would likely be accessed from Gumwood Road, and "the homes sites would be accessed by a private asphalt roadway. Each home, along with the access road, will provide adequate parking for the residents and guests. The road will be owned and maintained by the homeowners. The homes will be serviced by individual well and septic fields pursuant to the approval of the Cass County Health Department. Storm water runoff generated by this development will be captured and retained on site. Retention areas and drainage systems will be owned and maintained by the homeowners."

However, it should be noted that if the proposed rezoning is approved by Milton, the property could be used for any of the permitted or conditional land uses permitted in the SFR district, subject to local

Milton Township Planning Commission
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review processes. The applicant is not bound by the statements regarding their future plans for the properties.

Uses Permitted

Currently, the property is within the RR Rural Residential zoning district. Permitted land uses within this district consist primarily of single-family homes and farms along with related uses (home occupations, roadside stands, etc). This district allows a number of conditional uses, such as a variety of agricultural support services, wireless communication facilities, archery ranges, landscaping services and others. In the SFR Single Family Residential district, permitted uses are generally similar to that permitted in the RR district (single family homes, parks and playgrounds, and related accessory uses). However, the SFR district permits fewer conditional land uses compared to the RR district. In the SFR district, only churches, private recreation facilities, essential services and bed and breakfast establishments are permitted as conditional uses. In general terms, we find the SFR district is more restrictive than the RR district in terms of permitted land uses.

In the RR district, lots are required to have a minimum area of 2 acres (about 87,000 square feet) and a minimum width of 200 feet. In the SFR district, the minimum lot size is 60,000 square feet and the minimum width is 150 feet.

~~Review and Approval Standards~~

Section 16.08(D) of the Township Zoning Ordinance sets forth four standards that are to be studied by the Planning Commission when considering a rezoning request. Those standards, along with our comments, are as follows:

1. If the proposed rezoning is compatible with the Goals & Objectives of the Township Land Use Plan.

Comments: The Township Master Plan was approved in June 2012. Development of the Master Plan took place over the course of several months and after numerous meetings with Township elected and appointed officials, stakeholders and the public. The Master Plan is a policy statement that guides growth and development in the Township for the next twenty to thirty years. Within the Master Plan is a future land use plan (Chapter 10) and map that illustrates how the Township is guiding growth and development over the life of the Plan.

The subject properties are all within the single-family residential future land use designation as illustrated on the future land use map. In supporting text that describes this designation, the Plan states that "This land use category recognizes existing single-family platted subdivisions generally within the southern portion of the Township and makes provision for new residential developments with an average overall density of one acre per dwelling unit. [...] This land use category is intended to preserve and promote single-family dwellings as the predominant land use."

The Master Plan also contains a Zoning Plan, as required by the Michigan Planning Enabling Act. The purpose of the Zoning Plan is "to explain how the future land use categories in this Plan relate to the zoning districts incorporated in the Township's Zoning Ordinance." The

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Zoning Plan includes a table of each future land use designation, and correlates each designation to compatible zoning districts. The table is one of the tools used, along with the future land use plan and map, to determine if a proposed rezoning is consistent with the Master Plan. The Zoning Plan indicates that both the Rural Residential and Single Family Residential districts are compatible with the single-family residential future land use designation. Therefore, the Planning Commission may find that the proposed rezoning is consistent with the Master Plan.

2. Impact of the proposed use [on] surrounding properties and development.

Comments: The exact nature of the proposed use is unclear at this point as nothing has been formally proposed, except that the applicant has indicated their intent to build a single-family residential neighborhood on the subject parcels. The subject properties are bounded on the west by single-family residential development and undeveloped open space. To the east and north are predominately undeveloped and agricultural properties. To the south, south of the state line, are numerous residential neighborhoods.

While the impact on surrounding properties cannot be determined without a more specific site plan, the Planning Commission may find that a single-family residential development would be generally compatible with surrounding land uses.

3. The effect on public facilities and services.

Comments: Again, the exact effect on public facilities cannot be specifically determined without a more specific plan from the applicant. However, based on current zoning standards and assuming 15% of the land area is needed for infrastructure (roads, drainage areas, etc.), the site, if rezoned zoned SFR, could be developed with up to about 100 home sites. This would have some impact on public services and a proposed development should be reviewed by the appropriate agencies (Edwardsburg and/or Niles Township Fire Departments, Brandywine Community Schools, Cass County Health Department, Cass County Road Commission, etc)

4. The relationship of the proposed project to the intent of the Township Zoning Ordinance.

Comments: If the applicant builds what is generally proposed in the application - a single-family residential development - such a project would likely meet the intent of the zoning ordinance, which includes "protecting the character and the stability of the agricultural, recreational, commercial and other areas within the Township and promoting the orderly and beneficial development of such areas" and "providing for the needs of recreation, residence, commerce, industry and other land uses and future growth."

Furthermore, the intent of the SFR district states that the "purpose of creating residential districts is to provide areas primarily designed for residential use consisting of single family dwellings located on individual lots or premises, of adequate size to provide for safe water and sewage disposal facilities, spaced to diminish spread of fire, and set back from the public thoroughfare to facilitate safe exit from and entrance to the premises."

Milton Township Planning Commission

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Recommendation

At the October 7 meeting, the Planning Commission should carefully consider the comments from the applicant, the public, the Township's legal counsel and others as appropriate. We recommend that the Planning Commission recommend approval of the proposed rezoning to the Township Board.

Regarding the Rezoning Application before the Community and the Planning Commission...

First and foremost, I, my family, and my friends are against the application submitted by Gumwood Holdings LLC/Adams Road Development II Corporation (Property Rezoning from RR to SFR) for 5 parcels owned by the aforementioned.

My property, with the passing of this rezoning measure, would be permanently, and irreversibly, negatively impacted by the inevitable housing development that would follow.

I bought my property for two main reasons, one of which was to decelerate subdivision development in this area, and specifically the 40 acres I have come to love over the years as I passed by it on Gumwood. The land in this southern region of Milton Township is some of the most pristine and attractive acreage in Milton Township. With Gumwood as a significant artery into the township, it showcases our Natural Appeal.

The other reason I purchased the property, was to restore the land to its previous splendor. As a 4-year participant in a USDA/NRCS WHIP (Wildlife Habitat Improvement Project), in which my priority was in returning the property to its most recent documented state – an Oak Savannah – I have credibility in this matter, and a vested interest. I have spent a large amount of my own funds to expand, and **strengthen** the rural appeal of our township (which, incidentally, is Goal 2 of the Township Master Plan). Additionally, I had planned to continue my work, and pursue matters of natural preservation with the USDA and NRCS. Those efforts may be severely hampered with the rural landscape, all around me, permanently scarred with housing developments.

Frankly, in my opinion, based on what I have learned with my own preservation efforts, the Goals of the Township's Master Plan (those most related to preservation of our natural landscape), cannot be achieved with **ANY** development in this area, Rural or Single Family.

Please read the following from our Township's Master Plan:

Rural Character and Natural Features

GOAL 2

The fundamentally rural nature of Milton Township will be maintained and **strengthened** with key defining features **permanently protected** and Supportive rural land uses and activities encouraged. Even in areas of development, the rural character of the community will be expressed with design techniques that embrace a rural lifestyle and protect important features and rural land uses and activities.

Additionally,

MASTER PLAN MILTON TOWNSHIP

OBJECTIVES:

a. Complete a natural features inventory to identify those features and land forms that are important to the rural character of the Township including a ranking that may be used to guide preservation and development standards. **It is my understanding that this exercise has not yet been done. I would suggest that the USDA and NRCS be involved in this exercise, when the time comes.**

Any development will be unavoidably irresponsible, as the rural and natural features (both those we can and cannot see), that in the Master Plan are repeatedly cited as major draws for our community, have not been clearly defined and thus cannot be preserved. And those features, when and if, they are clearly defined, will prohibit any development at all, as a development will certainly destroy the natural features. Any attempt to replace them with man-made 'natural' features will be less than satisfactory and not in the spirit of the Master Plan.

Areas of most concern for me with rezoning, and the consequential doubling of development density:

- **Increased Traffic Congestion** (already a painful reality along Gumwood and Redfield).
- **Roadway Safety**, already a major concern, with accidents and near misses every day.
- **Rural and Natural Features** permanently lost.
- **Septic Systems** will certainly lead to contamination issues, possibly both short-term and certainly long term.
- **Wildlife** in the area will be diminished drastically, including Wild Turkey, Deer, rabbits, foxes, and squirrels to name just a few. The delicate ecosystem will once again be permanently damaged with human development.
- **The Aquifer** that supplies the area will certainly be affected both short term and long term. We see it happening all over the country, as water sources are disappearing. No 'study' can predict the future better than history and current reality.
- Various forms of **Pollution** will increase in the area, including, but not limited to Air, Noise, and Water.

I conclude, with a resounding NO, to the rezoning effort for these parcels.

Paul Romanetz and Family.

9/25/2013

Milton Township

32097 Bertrand Street, Niles, MI 49120 - Phone (269)684-7262 Fax (269)684-1742
Website: miltontwp.org

Financial Reports

Review of Township Budget

Benjamin and Renken will work together to fix the numbers in the budget report that was presented. It was prorated based on the dates.

Financial Report

Financial reports were accepted as presented

Approval of Checks

Motion by Renken to accept the checks as presented with the additional check for \$55,761.00 for Niles Township Fire Department

Board Member Comments

Renken needs to get bills from Edwardsburg Fire and Ambulance.

Motion by Benjamin to adjourn, second by DeBroka

Motion Passed

Meeting adjourned at 11:08 PM

Respectfully Submitted:

Sue Kronawitter
Deputy Clerk

Minutes Approved w/Changes May 21, 2012

Milton Township

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New Business

Salary Commission

Resolution by Benjamin, 2012-14R, to establish a Compensation Commission, second by Renken

Roll call; Yes: Renken, Benjamin, Kronawitter; No: Ward, DeBroka
Resolution Passed

Approval of 2012 Mowing Contract

Motion by Benjamin to accept the bid from Braden Green Thumb Landscaping, Inc., second by DeBroka

Roll call; Yes: Benjamin, DeBroka, Renken, Ward; No: Kronawitter
Motion Passed

Emergency Warning System Siren

This would be a siren operated ~~at~~ by the county. The radius of a siren is about 4 miles. Yearly maintenance for a siren is \$421.00. The first siren would be installed back by the county building here on the township property. It was recommended that your first siren be placed near your parks and schools.

Motion by Benjamin to accept the proposal from West Shore Services, inc. to install a siren for \$19,900.00, second by Renken

Roll call; Yes: DeBroka, Kronawitter, Renken, Ward, Benjamin; No: None
Motion Passed

Resolution by Benjamin, 2012-15R, to move \$19,900.00 from roads to township hall, second by Kronawitter

Roll call; Yes: Kronawitter, Renken, Ward, Benjamin, DeBroka; No: None
Resolution Passed

Approval of Road Project/Dust Control/Striping

Motion by Benjamin to accept the road changes from the Planning Commission and to use Mineral Well Brine for dust control, second by Renken

Roll call; Yes: Renken, Ward, Benjamin, DeBroka, Kronawitter; No: None
Motion Passed

Milton Township

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Minutes

Motion by Benjamin to approve the March 19, 2012 minutes with changes, "fire coverage will" to "fire coverage we", and "should being for SMC" to "should begin for SMC", second by Renken
Motion Passed

Motion by Renken to approve the March 26, 2012 with changes "wages of employees, stagg, and appointed postions", second by Kronewitter
Motion Passed

Old Business

Milton's Fire and Ambulance Coverage

We have entered negotiation with SMACS for use of the Community Center. People in the township have liked the idea of an ambulance being located at the Community Center. Due to contracting we couldn't be out of our existing contact with Edwardsburg Ambulance until March 31, 2013. A new building would be needed for elections and the cost of that would be about \$200,000.00. ~~As~~ NO matter what happens with SMACS we will be making sure that our contract matches our assessment so a 3rd party can't raise our rates without our approval.

Eric Gebhard from Edwardsburg Ambulance spoke, and all issues were taken into advisement.

Ambulance District/Assessment

The attorney has been working with our assessor to get the ambulance district/assessment complete.

Motion by Benjamin to clarify that the assessment would not include, ~~SMAC~~, and SMC ANY public school, and any tax exempt church, second by Renken
Motion Passed

Benjamin asked the board if they had any objection to keep meeting going at 10:05 PM; no objection.

Fire Districts/Assessment/Millage

Resolution by Benjamin, 2012-13R, to send a request for a fire millage to the voters for the August ballot, second by Kronewitter

Roll call; Yes: Kronewitter, Renken, Benjamin; No: Ward, DeBroka
Resolution Passed

Milton Township

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health department and engineer go out and dig into each lot down to 8 feet to see if there is any ground water. If ground is heavier than loamy sand they won't get approval for onsite septic. The next step is to install test wells on 10% of the lots. Wells must be greater than 100 feet in Cass County. If Nitrates are greater than 5 ppm or arsenic is greater than 5 ppb then the well is not approved. The plan is then sent to the State Environmental Quality for approval. Minimum lot size if 20,000-30,000 sq feet. The Well must be at least 40 feet from the septic and there must be area for a septic replacement.

The letters also questions the Planning Commission and Board of Trustee members. It questions if the Planning Commission was getting help from developers to figure out the master plan? The Planning Commission answers, "No". The Planning Enabling Acts wants and requires you to have members on the planning commission from each area of your township. It has been suggested that Benjamin is encouraging growth in this township. Benjamin states he could have moved anywhere when his company relocated him, and he chose this area for its rural location and did not want to live in the city. This board has also tried very hard to make sure all notices for public meetings and hearing are posted in the newspaper and online. Benjamin also pointed out that only 2 sitting member on the Planning Commission were appointed by him. The other members were appointed by other supervisors and boards.

DeBroka pointed out that agricultural production has always been protected, but when they want to sell they would prefer to split their land as in some cases this is their retirement plan. It is noted by Benjamin and our attorney that can purchase the development rights on the property, but this would be very expensive. Also if the master plan isn't correct then we won't be able to protect it.

It is hard to balance the land owner's property rights with what the people want.

Roll call; Yes: Benjamin, DeBroka, Kronewitter, Ranken, Ward; No: None
Motion Passed

The Planning Commission made some addition comments, and stated that they can have controlled development along Redfield. We need to be aware that there will be growth; we just need to put zoning in to control this growth.

Motion by Benjamin to support the use of Williams and Works and our attorney to help finish the master plan for 1 meeting, second by DeBroka.
Motion Passed

Joint meeting with the Planning Commission ends at 9:15 PM

Milton Township

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Niles Township Fire department stated they had 2 runs in Milton Township last month. They are also working with St. Joseph County, IN to make sure they have the correct address information to route 911 calls to the correct emergency agency in Cass County.

Edwardsburg Ambulance stated they had 7 runs in Milton Township in March and only 6 transports. Average dispatch to enroute was 2.29 minutes, enroute to onscene was 9.86 minutes.

New Business

Approval of Master Plan

Motion by Benjamin to send the master piece back to the Planning Commission, second by Kronewitter.

Discussion

Benjamin provided a map that shows the current lot size fragmentation that exists in the township and that was approved by previous boards. It is asked if the future land use map took into account the prime farmland map. It is shown that the parcel area map doesn't follow the current zoning map. It was asked if we can reverse current land use, the answer was "At enormous expense." On the roads maps, Gumwood and Redfield should be marked as principal roads. If we want to have the ability as a board to say no to re-zoning we need to make sure the master plan sets the framework. Benjamin mentioned that he appreciated the work the Planning Commission has put into this and they have done a great job.

Benjamin talks about 2 letters that were received from people in the community. One letter from Steve Hambley HAMBLEY and another from Jackie Pflug. Each person has brought issues of water and sewer quality if the township keeps growing and they cite the problems in Granger and Knollwood as examples. To talk about these issues Benjamin has invited officials from the St. Joseph County Health Department, IN and Cass County Health Department, MI. First to speak is Mark Nelson, Environmental Health Director for St. Joseph County. When installing septic's you should rely on your health department on how to install a septic system, do not allow dry wells and get rid of ones that exists. Lot sizes should be a minimum of 1/2 acre and for subdivisions 3/4 of an acre. Don't compact the septic area or put it on fill. Make sure you always leave room for a replacement septic system. He also states that the Granger sewer project is a unique project started years ago to help business that had dry wells and their septic's have failed. He states that you can make subdivisions work on wells and septic. Mike Laufer, Director of Environmental Health for Cass County. He states that subdivisions are governed by the Subdivision Control Act. A developer must contract with an engineering company. The

Milton Township

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Minutes of the Milton Township Board of Trustees April 16, 2012

Meeting was called to order by Supervisor Robert Benjamin this is a joint meeting with the Planning Commission at 7:00 PM.

Attendance

Present: Robert Benjamin, Linda, DeBroka, Don Kronewitter, Eric Renken, Sharon Ward

Also present: Zoning Administrator Paul Sniadecki, Planning Commission Chair Kelly Sweeney, other Planning Commission members, County Commissioner Robert Ziliak, and the township attorney.

Public Comment

Public comments were made.

Approval of Agenda

The agenda was approved.

Community Reports

Zoning Administrator reported there have been 3 site plans, 2 land divisions. The April new letter has also been posted to the website.

Planning Commission reports they had a public hearing and voted 5-1 to approve the amendment for 14.14. The Planning Commission is presenting road work changes to the board. The attorney speaks about municipalities being exempt from their own zoning, and that the amendment to 14.14 may not be needed.

County Commissioner reported that the deadline has passed for the county administrator position and they have received approximately 20 applications.

1 page

10/7/2013

I am unfortunately not able to attend the meeting tonight regarding rezoning in Milton Township. However, I would like to say that I work in Granger and have seen what has happened there with groundwater contamination and now city sewer coming in. Unless someone can prove to me that this will not happen in Milton Township I am completely against rezoning and allowing building on smaller parcels. I personally don't have several thousand dollars to hook up to city sewer now and certainly won't should it become necessary 10 or 15 years down the road.

Ours is a rural community—so for those who would like to enjoy living in Milton Township I would like to say, build a smaller house on more acreage for the same amount of money—that way we won't run into the problems Granger is now facing somewhere down the road. I realize that there are probably a very few people who stand to make a substantial amount of money by selling a lot more smaller parcels, but those people are not going to be paying to hook me up to city sewer years down the road when we run into the same problems that have occurred across the state line from squeezing too many houses too close together for septic systems to function properly. I personally think we should keep the St. Joseph Valley Aquifer an "excellent and ample source of high quality drinking water" and think that describing the creation of new single family neighborhoods similar to The Reserve as "adding quality of life" is humbug.

If you want to live in the country, you need acreage. Otherwise it's no longer the country.



Randy Griffin

70949 Fir Road

Niles, MI 49120