

## Leighton Township Planning Commission Minutes

**Date:** February 8, 2023, 7:00 PM

**Members Present:** Chair Ben Potts, Vice Chair Matt VanderEide, Secretary Matt Vanduyn, Commissioners Stephen Shoemaker, Brad Geers, John Hooker and Tom Snyder.

**Members Absent:** None

**Also Present:** Township Planner, Tricia Anderson and Township Engineer Brandon Mieras with Williams & Works, Zoning Administrator, Jason Derry with PCI, Township Attorney, Cliff Bloom with Bloom & Sluggett, Township Supervisor, Steve Wolbrink, applicants, and several members of the public were present.

1. **Call to Order:** The meeting was called to order by Chair Ben Potts at 7:00 PM
2. **Approval of Minutes from January 11, 2023.**
3. **Public Comments for items not on the agenda:** None
4. **Inquiry of Conflict of Interest:** None
5. **Old Business:**
  1. **Rezone Request – 4501 Division Avenue – AG to R-3 and O/I – GRI-Moline, LLC (DJ VanderSlik / Todd Stuive, Exxel Engineering) – TABLED ON 1/9/23**

Chair Potts asked the applicant for additional comments or presentations. The applicant did not have any additional comments.

Chair Potts asked Ms. Anderson for her comments. She provided a brief overview of the request for the benefit of the residents in the room that may have been absent from the first two meetings. She indicated that the Township Engineer was in attendance to speak to some of the technical questions the Planning Commission may have regarding sewer and wastewater treatment plant capacities.

Chair Potts allowed for limited public comment.

Judy Boss, 113 144<sup>th</sup> – She asked about what the price point is for the apartments and if it is intended for low-income. She was also concerned about the children and how they will safely get from the development to the other parts of town.

Glenn Apol, 4316 Division – He is concerned that there are costs that are going to be passed on to the residents of the township. He believes his land was flooded as a result of the trailer park being developed.

Chair Potts closed the public comment portion of the meeting and asked for comments from the Planning Commission.

Commissioner Shoemaker reiterated that the process at this time is just the rezoning and not the development. He also noted that the applicant submitted a letter from Miller Johnson, the applicant's attorney, that addressed the rezoning criteria from their perspective.

Attorney Bloom provided some direction to the Planning Commission and recommended that they deliberate each criterion.

*Criterion 1 - Whether the rezoning is consistent with the policies and uses proposed for that area in the Township's Master Land Use Plan.* Members of the Planning Commission discussed that it was questionable whether the proposed rezoning was consistent with the Master Plan. Chair Potts indicated that there is not a timeline delineated in the Master Plan as it pertains to *when* development should happen. He feels that now is perhaps not the right time for a development of this level of intensity for the Township, given the anticipated strain on public services and infrastructure.

*Criterion 2 - Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area.* Chair Potts asked Ms. Anderson to list all the uses that would be permitted by right and by special land use in both the R-3 and O/I zoning districts. Mr. Bloom pointed out some of the uses that may be viewed as incompatible. The Planning Commission commented on the intensity of some of the land uses that would be permitted by right or by special land use. Mr. Bloom indicated that the applicant is not asking for a conditional rezone or a PUD, whereby the Planning Commission would be able to tie the development plan and land uses to their approval. He added that, with a straight rezone, the Planning Commission and the Township do not have the authority to require that the land be developed in accordance with the sample development plan provided by the applicant, and that the applicant could get approval on the rezone, then sell the property to a separate entity, who could end up developing the property in a completely different way with any of the uses permitted by right in those zoning districts.

*Criterion 3 – Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezonings.* A letter was provided by the fire department that Ms. Anderson read into the record as it relates to the current capacity of staffing for the fire department. Supervisor Wolbrink added that the fire department does not employ full-time firefighters and they are already strained with the current call volume. Shoemaker asked how the issue with the fire department would be addressed if the rezoning is approved. He wondered what the contingency plan is for staffing if the population does increase. Supervisor Wolbrink indicated that the Township is not currently in a financial situation where they can bring on full-time staff. Supervisor Wolbrink added that the first responders are also responding to the medical calls.

Vice Chair Vandereide asked the Township Engineer to provide some insight as to the numbers and the impacts the development would have on the existing system. Mr. Mieras explained that upgrades are required in order for the system to accommodate the added capacity. He added that the cost to improve different aspects of the existing system is 1.25 million dollars. He also added that wastewater treatment has the capacity, but would take up a fair amount of the existing capacity. Commissioner Hooker asked how many years the previous improvements were planned to be good for. Mr. Mieras indicated it was supposed to be for about 20 years, however, proposed uses would change that.

Supervisor Wolbrink spoke to several developments that are already committed to the capacity for the existing systems. Mr. Mieras added that the connection fee is intended to provide capital to improve elements of the wastewater authority. Chair Potts asked where the residents were at on the scale of high or low sewer payments. Mr. Mieras indicated that Township residents pay higher-than-average fees. Chair Potts was concerned that the sewer rate increases could drive the residents out of the township.

Vice Chair Vandereide asked what the timeline is for the buildout. Mr. Vanderslik said it would be 8 years.

Commissioner Shoemaker asked about gravity flow to station 1. He asked if the pipe there was at the appropriate size. Mr. Mieras explained that the condition of the pipe is a factor sometimes more than the size of the pipe. Mr. Shoemaker asked about the minutes and whether a grant was issued to replace the pipe at the last meeting. Mr. Mieras clarified that this was the SAW grant that provided funding to inspect pipes and manholes and televise to check the condition of the system, NOT for the replacement of a pipe. Commissioner Shoemaker asked for this to be fixed in the January meeting minutes.

Vice Chair Vandereide asked about the fluctuation of the connection fees for sewer. Mr. Mieras explained that in some years in the past, some special assessments have affected the sewer connection fees.

Mr. Bloom asked the PC to provide information outside the meeting to the gentleman who was asking about REUs increasing.

*Criterion 4 -Whether the uses allowed under the proposed rezoning would be equally or better suited*

*to the area than uses allowed under the current zoning of the land.* Mr. Bloom noted that Ms. Anderson did a rough calculation of the gross density that would be permitted under the current zoning. Ms. Anderson indicated that on 56.96 acres, 62 lots would be allowed as a subdivision on lots 40,000 square feet in size. She added that this is a gross density calculation, and does not take into account the acreage dedicated to rights of way or other unbuildable areas that would otherwise not be used to calculate the net density for development.

Chair Potts asked whether the traffic study area and size were average or if it was not enough time or area. Mr. Mieras clarified that the folks at Fishbeck are true experts in traffic engineering and that it is on par with what would be expected for a study like this. Mr. Bloom asked Mr. Mieras if the traffic study took into account safety or fatalities. Mr. Mieras added that the traffic flow will affect the risks folks take at intersections when the LOS is low. Many members of the audience shouted that the sample period was during deer hunting season.

Vice Chair VanderEide asked how the improvements would be financed. Mr. Vanderslik added that he could provide phasing for the development. Mr. Bloom added that the request is for the straight rezoning, and the phasing information is non-binding.

Chair Potts indicated that he thinks it meets the Master Plan, but not at this point in time. Commissioner Snyder spoke to the range of uses, and whether they all align with the Master Plan. He stated he is not convinced it aligns with the Master Plan. Commissioner Shoemaker added that if it is rezoned, the applicant has no obligation to follow through with the proposed development shown on the plan submitted. Secretary Vanduyne added that he'd rather see normal houses there.

Chair Potts noted that he thinks that they may be ready for a motion.

Mr. Bloom reminded Chair Potts that he's prepared a motion to have the Planning Commission "tentatively" recommend approval or denial so that the attorney and staff have time to put together findings for adoption in the form of a resolution at a future meeting.

Commissioner Shoemaker noted that he doesn't see any value in tabling the item again. He has no misgivings in the future being now.

Chair Potts asked for a motion.

**Secretary Vanduyne moved, with support from Commissioner Geers, to tentatively recommend to the Leighton Township Board the denial of the rezoning request from GRI Moline/DJ Vanderslik to rezone the property commonly known as 4501 Division Avenue and also as Permanent Parcel No. 03-13-007-04-00 from the current AG Agricultural zoning district designation to the R-3 and O/I zoning district designations contingent upon the Township Planner and Township Attorney drafting a Resolution to that effect and such Resolution being adopted by the Planning Commission at a subsequent meeting.**

**Roll call vote:**

**Vandereide – yes**

**Hooker – yes**

**Vanduyne – yes**

**Potts – yes**

**Shoemaker – No**

**Geers – Yes**  
**Snyder – Yes.**

**Motion Carries by roll call vote.**

**Mr. Bloom noted that the findings will be prepared in advance of the March 8, 2023 meeting.**

**6. Public Hearing – Galloway Landings – 4476 Galloway Landings Drive – Planned Development Amendment, Site Plan Review and Rezoning Requests**

Ms. Anderson read the requests to the Planning Commission. She stated that the applicant, Clark Galloway, is requesting the following:

1. Rezoning of the following parcels for incorporation into the existing PD:
  - a. 13-009-008-01 (26.70 acres) from R-1, Rural Estates to PD, Planned Development
  - b. 13-009-013-21 (13.40 acres) from R-1, Rural Estates to PD, Planned Development
2. Amendment to an existing Planned Development on the parcel known as 13-009-013-04:
  - a. Added land use of event venue/agricultural entertainment within the existing barn with added deck area.
  - b. Added uses related to the proposed domiciled aircraft hangar that would include offices, kitchen, overnight sleeping areas, and lounge areas
  - c. Adding acreage to the PD by rezoning the above-listed parcels, resulting in 8 additional parcels (see Figure 1).
  - d. Paving and extending the grass airstrip by an additional ~700 feet.
  - e. Addition of emergency, pilot-controlled lighting on the airstrip.
  - f. Adding a 41-space parking lot that would serve the hangar and the event barn.
3. Site Plan Review for the following:
  - a. A new personal aircraft hangar on the parcel known as 13-009-013-04
  - b. A future 5,600-square-foot building

Chair Potts asked for the applicant's presentation.

Lynee Wells, of Aligned Planning, spoke on behalf of the applicant. She asked what's more American than flying? She added that a bald eagle landed in the creek when she visited and it was a sign from her dad that passed just before covid. She described the requests for the PD. She added that the master plan has a strong focus on the preservation of rural character. Ms. Wells expanded on the proposed event barn use and indicated that no more than 75 guests would attend an event, no outdoor music and the goal is to repurpose it to provide space for the community to have events and celebrations. She reminded the Planning Commission that the applicant is not seeking approvals at this meeting. She welcomed questions from the Planning Commission. She added that the 5,600 sf building is actually an existing building that Mr. Galloway wants to rebuild. She also added that the land divisions are by right. She added that Robb Lamer, of Exxel Engineering, is in attendance at the meeting and the designer, builder, attorney and Clark's family were in attendance.

Applicant Galloway presented to the PC and thanked them for their service. He refreshed their memory on the referendum that failed when he first applied for PD approval. He added that he's had the opportunity to purchase more property to the east and west of the runway. He also added that he's planted several trees to attempt to buffer the airstrip. He has purchased two of the three houses that abut the property that is now occupied by members of his family. He also added that many of his neighbors who were originally against the airstrip are now his friends, and they have dropped their opposition. His goal is to bring people into the aviation community and bring people together through the use of his property. He added that many children in his family have benefited from the amenities on the property. He had the idea to build a community hangar to bring the community together.

Mr. Galloway's oldest daughter, Paige spoke about her love for family and fostering children. Her dream is to have a generational impact on her family. She added that she lives next to the future event barn and she has six children and likes to put them to bed at a decent time, so the goal is not to have loud events late into the night.

Attorney Bloom asked that the public hearing formally be opened.

Ms. Wells provided handouts to the Planning Commission and to folks in the audience. She then continued her presentation to speak to the other improvements and asks being proposed as part of the PD amendment. She reiterated that the overnight captain's quarters are not planned as a commercial use. She added that proposed splits are allowed under the land division act and spoke to the "access roads" and added 700' of runway area is for safety purposes. She also added the event barn would allow a maximum of 90 people and would be redone to provide ADA access. Restrooms will be in repurposed silos. She indicated that she simply wants to implement what's already approved in the PD.

Chair Potts asked for a motion to open the public hearing

Commissioner Snyder moved, with support from Commissioner Geers to open the public hearing.

Motion carried unanimously.

Chair Potts asked Planner Anderson for her comments. She reiterated that the applicant is not seeking approvals at this meeting, but rather the focus should be to allow the applicant to present the requests and for the Planning Commission to receive comments from the public. She added that there are several areas that have been identified in her report that speak to items that need clarification or more information. She noted that the applicant is aware of the areas that need attention and he and his team are working on a revised submittal that will address the concerns related to the following areas: environmental concerns, access, phasing, land use specifics, and engineering details.

Chair Potts asked for comments from the public and informed those who wished to speak that there would be a time limit of 3 minutes for individual comments.

David Zylstra – lives on the end of the airstrip – original airstrip went straight east to west, so the new one impacted his residents and his neighbors. He added that last summer there were 10 low-altitude flights from Mr. Galloway’s friends, and it was concerning.

Mark Ouwinga – 671 144<sup>th</sup> street – added that the proposal violates the conditions in the resolution that was recorded. He expressed his concerns with the airstrip being paved, as it could mean larger aircraft using it.

Gary Denou – 6642 Sunrise Trail – He gives the project a “two thumbs up”. He added that he loves the idea of the event barn and would love for his daughter to get married on the property and that his son is a pilot.

Brian Pritchard – He is a pilot and flies out of Mr. Galloway’s airstrip. He felt a huge sense of community when he began flying from Mr. Galloway’s property. He added that the added length of the airstrip would allow for added safety in taking off with his entire family in the plane.

Scott Chestnut – Kalamazoo Drive – he noted that the changes proposed could lead to larger, heavier planes.

Kate Sheltema – she lives on the receiving end of the runway. She wanted to express that her problem is not with the family, it is with the airport. She stated that Google Maps identifies the airstrip as an “airport”, and it as an airport. She was worried that the runway protection zones affect other people’s land and that it’s also referred to as a crash zone.

Spence Galloway – Son of Mr. Galloway, added that there is no desire to increase the size of the planes. He also added that the 700 ft of added runway would increase the safety of the airstrip.

Jane Zylstra – she has concerns with the night flight and more flights after dusk. She is also concerned with the additional wedding venue. She stated that there is already an event venue at the end of their street. She also worries that 5 years from now they’ll ask for more. She appreciates the respect they’ve shown so far, but it affects their life, their outdoor life and pool life, and their kids’ lives. She added that she has dreams too and finds it offensive to compare the 6’ social distancing from covid to the safety of the airstrip, as her father died from covid.

Mr. Ouwinga asked what the overnight quarters would be for. Mr. Galloway responded, saying that his office would be in the hangar, restrooms, seating, and upstairs for families visiting overnight in an aircraft, or pilots that must stop for the night due to inclement weather.

Mr. Bloom recommended a motion to suspend the public hearing for tonight and postpone the item until the next Planning Commission meeting.

**Commissioner Shoemaker moved, with support from Secretary Vanduyt to postpone any action on the requests related to the Galloway PD, and to suspend the public hearing for this meeting until the next Planning Commission meeting.**

**Motion passes unanimously by roll call vote.**

Mr. Bloom comments that Mr. Galloway has asked if the meeting could be held on March 15<sup>th</sup>, rather than the typical March 8<sup>th</sup>.

Chair Potts comments that the Planning Commission would prefer to keep the regularly scheduled date for the following meeting due to scheduling conflicts with the Sewer Board meeting and Township Planner availability.

**6. Public Comments:**

Mr. Bloom reiterates to the public that all application and meeting material and written comments will be available in a public folder in the Township's Clerk office for the public's convenience. Everything is still publicly available under the Freedom of Information Act, so this compilation is for convenience's sake.

**7. Correspondence:** None

**8. Commissioner Comments:** None.

**9. Adjournment**

Motion by Commissioner Shoemaker to adjourn the meeting, support from Commissioner Geers.

Motion carried unanimously by voice vote.

Meeting adjourned at 9:24 pm.