

**Vergennes Township Planning Commission  
Minutes of Special Meeting  
Rezoning Request from Richard and Shirley Cooper  
September 25, 2000**

Meeting was called to order September 25, 2000, at 7:00 p.m., next door to the Vergennes Township Offices at the Vergennes United Methodist Church by Chairman, Rick Gillette. Gillette explained that this was a public hearing for the zoning request by Richard and Shirley Cooper for their property from an R-1 to an R-3. The intent was to give everyone a chance to ask questions and voice views and concerns. Roll was taken. Those present were: Alger, Baird, Culross, Gillett, Lenihan, Warning, and Weber. Those absent were: Jernberg, Nauta.

Summary of Presentation by Applicant, Richard Cooper

Cooper and his wife have lived on Bailey Drive for 40 years. Children and grandchildren have grown up here. They have supported the school system. They previously had property on the South end of Parnell, above the bluff where it is now a dead end. They stopped farming it and developed it into Ada High Bluff after their children were grown. Property at issue is at Alden Nash and Foreman. They bought it a little over 10 years ago; cleaned up a house and a barn and tore down another barn; cleaned up farm machinery. There was a dump on the property that was all cleaned up as well so it wouldn't run into the creek there. The creek runs over and joins into Cherry Creek on Dora Cook's property. They want to keep the open space on both sides of the creek as well as the 50-acre woods on the S.E. corner of the property. Cooper stated that he would be happy to accompany anyone wishing to walk those woods. A trashed mobile and corresponding junk was also hauled away.

He wants the group to know that they do care in spite of information that may have been circulated. When they bought the property, Foreman was a narrow gravel road, Alden Nash was a rough and narrow gravel Road between Foreman and Vergennes and there was a nice road of mature trees that ran along Alden Nash. They did plan to develop on the 1-acre basis; had professional soil borings done all over the property. It is basically sand and gravel so it would have been good for septic. They drilled a large test well and that water was very good. Then the county widened Alden Nash and took down many trees, and widened and paved Foreman. Lowell Township, in cooperation with Vergennes Township, agreed to a water system. The water tank is on Foreman on the top of that hill. The waterlines runs along Alden Nash to the high school, and the sewer runs along Alden Nash. A problem developed because Alden Nash goes down a hill and then uphill to Foreman. In order to run it to the Lowell City system, they would have had to add an unsightly pumping station to pump the sewage back uphill and down. So they approached him and asked for an easement to run the sewer across his property so it could be gravity fed. He and his wife weren't too excited about the easement but agreed to it because it would save a lot of cost for the city as well as an unsightly building. Plus, if the power went out, the sewage would be a problem. The city wanted to run the sewer along north of the creek and they agreed, provided that they not mess up the creek and that he would have the right to hook up. State law provides that if you have a sewer nearby, you can't have a septic system, you have to hook up which can be expensive. There are also water hookup fees. Consequently, he was told that he could no longer economically develop the property on the scale it is now and would have to get it rezoned. He asked back in 1993 to rezone a portion of the property but it was denied. There

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was a question as to demand. Since then, part of the property has been farmed, the woods have been groomed, his family has released pheasants, and the rest of the property has been left natural.

The Vergennes Township ordinance says that he must hook up to water if it is available, and it is. Lowell Township gave him the right to hook up units to the sewer that would be both North and South of the creek. They made the sewer low enough to use gravity feed. John Timpson, Supervisor of Lowell Township, has assured him that, even in spite of Meijers going in and the Dykema plan for housing along M-21, that Lowell Township will abide with the agreement that they signed and that is to hook up only to a certain capacity of the sewer system, either 16 or 17%. It will take years before Meijers and Dykema are both full scale and at that time, further negotiations with the City of Lowell to enlarge the plant (which was built to be enlarged) will be underway.

In November of 1999, Vergennes Township updated its Master Land Use / Comprehensive Plan. It followed a series of public meetings led by professional people and one conclusion was that his property and the property across the street on the West side should be designated as potential medium density and some portion, high density. Why? Several reasons: there is public water, sewer, and gas; Alden Nash is now a Class 1 Road; Foreman is paved into the city; it's close to M-21; it's between the two schools and close to both; it's adjacent to the city, and it saves other parts of the township for low density. Why ask for R-3 instead of R-2? They would like to preserve land along the creek and woods for open space. Keeping some of the dwellings more compact can do that. R-3 enables multiple family dwellings so they can be closer together leaving more open space. He says rumors were that "Cooper is going to put in 900 mobile homes on that property if he gets R-3 zoning." He says that won't happen. There is a provision in R-3 zoning for multiple family units and up to 6 per acre but that is only under a special exception use permit by the township, so the township does have control. In conclusion, he said there is control by the township; he does want something attractive, he does care, he has lived here for a long time, and he wants open space to protect along the creek and the woods. He hopes he put to rest some concerns people may have had after reading the literature that has gone around. Nobody talked to him before it was circulated.

Gillett explained that the Planning Commission doesn't say yes or no on the issue but rather makes a recommendation to the Township Board. It will be the Township Board that will do the final voting.

Gillett opened the floor for public comments calling on those individuals who had signed the list to speak. He asked people to limit comments to 3 minutes and to first state their name and address.

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Susan Walter, 1045 Alden Nash

Has been a resident of Vergennes Township since 1995. Her property is on the West side, across from the Cooper property. She was asked by a group of residents to open some comments concerning this proposal. They are in support of the mission statement on the Comprehensive Plan of Vergennes Township. She read directly off the statement "to protect, encourage and retain the integrity of the rural residential character of the community," They have initiated action and research into the negative impact if this land were to be rezoned. They have identified examples of similar developments and have discussed the potential impact on the roads, natural resources, and property values. They all agree that they have valid concerns on these issues. They recognize that ultimately the Board is responsible for making the right decision and they "encourage the Board to make the right decision."

Gary Knotterus, 11900 Vergennes

Had a couple questions for Mr. Cooper:

1. If this were to be rezoned to R-3, what would prevent him (Cooper) from selling it to a developer tomorrow and then that developer coming in and saying "I'm putting 6 mobile homes per acre in this whole development"?
2. On the smaller lot sizes for these manufactured homes, would this be a piece of property that the person owns, has their manufactured home on, and that property taxes would be assessed? Or would it be, as we think of a mobile home park, where basically the resident does not pay the same property taxes that home owner/property owner pay?

Kathleen Ellsworth, 11377 Foreman Farms Court

Lives in the new development with the 20 homes and association neighborhood. They are extremely concerned - several neighbors are professionals. She happens to be a doctor; there is another doctor that lives in the neighborhood. They are concerned about the schools. She moved here from the Flint area because it was overpopulated with multiple dwellings, trailer parks. She moved from Flint to get away from that. She doesn't want it again.

Tom Lowande, 11391 Foreman Farms

He also lives in Foreman Farms, born and raised in Detroit. He has been in law enforcement 20 years, currently with corrections. They left the city to get away from high density, overpopulated, crime and everything else. His big concern is that the schools are at capacity. If the bond issue gets shot down, the schools cannot absorb any more development. Mr. Cooper didn't really talk about law enforcement, fire protection or the school system. We need to take those into consideration.

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Michelle Lancaster, 1111 Alden Nash

Her home is directly across from this property. She feels really emotional and very nervous about this. She had some questions for Cooper.

1. Would this development put our sewer and water at capacity and if we need to upgrade our sewer and water, who pays for that? Does the developer pay for that or do we pay for that? If it was a development of many homes, this is going to put us at Phase II of the bond issue. Who's going to pay for that?
2. People have brought up the traffic, schools, fire, police, and ambulance systems. All of those are her concerns also.
3. What developer is Cooper working with? A rumor has circulated that he is working with Landon Associates. She had heard that he has been approached to develop that land into a mobile home park. Is that what we want visitors to our community to see? Visitors are impressed by our school and the new Agri-Science Center across the street. How would they feel if they drove by with a mobile home development?

She does not doubt that this area is to be developed, and is not against developing the area. When she moved to her home, she knew that it was R-1, which is 1 house per acre. That is consistent with the surrounding area, R-3 is not. R-3 is high density. Does not think we need to rezone this area. If something were to happen to Cooper, and a developer buys the land, they could develop it because it has been rezoned. She asks that the township not rezone this area. Keep it R-1. It is consistent.

Carolyn Medendorp, 11579 Foreman

In 1994 she and her husband bought 60 acres of land on the northeast corner of the intersection of Foreman and Cumberland. They sold 40 acres of that land to Holwerda developers and they were allowed to put in 20 homes. At the time they did that, they wanted to preserve more open space and they went to the Vergennes Township Planning Commission and presented a plan that would allow for a great deal more open space by clustering the homes closer. The request was denied because the zoning was R-1. At that time, Vergennes and Lowell Townships had not entered into a water agreement so the intention was to go with individual wells. The water cost was significantly higher because they were required to hook up to the community water supply. She understands the economics of developing land. She has no problem with the concept that others want to make developments. She feels that the appropriate request for Mr. Cooper is for a PUD, a Planned Unit Development. She believes his sincerity, but said you don't change a law that says "You can do something else, but we know you won't." A PUD would allow him to develop a plan that would include high-density and low-density housing and be brought before the commission and also open for public comment. It would accomplish his goals. She suggested that he contact Holwerda Brothers because she was sure they could develop it profitably.

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Ross Martin, 665 Cumberland Avenue

He moved here 4 years ago with his family from Wisconsin. One of the reasons they came to Vergennes Township was because of the wide-open areas, the traffic, and the school system. Since 1996, the traffic has increased immensely. There is now a stop light at the end of Vergennes and Pettis, where 4 years ago, you could pull up to the light at 7 a.m. and there might be one car in front of you, now there is enough cars for two light cycles, 10-12 cars in front of you. He understands there will be growth, but do we really want to do things that will accelerate growth beyond what it is meant? He doesn't want to see Vergennes turn into a 4-lane road. Also, will all our public systems support this accelerated growth?

Jeff Gauthier, 11375 Foreman Road

He agrees with all of the above, that is, to keep the zoning R-1.

Tim Patterson, 12011 Foreman

He agrees with a lot of the concerns - health and safety, the traffic. What about the dump on the property? Was any environmental sampling completed at this dump to determine any contamination issues in the soil, water?

Another concern is the hookup to water. He assumes the water is received from the municipal well field. He was concerned about a chloride plume that was discovered from a former Lowell terminal, and shared the following information. In 1986, a hydro geological investigation revealed the presence of chlorides in the ground water near the Lowell terminal site. Additional investigations determined the plume stretched from the Lowell terminal westward towards the Hudson Street Bridge. In an attempt to control the migration of the plume, a high velocity diffuser was installed in 1993. This diffuser system extracts the chloride and discharges it into the Grand River near the former Lowell terminal. The system has been effective in controlling the chloride plume in this particular area. However, a portion of the chloride plume is located near the City of Lowell's municipal well field. At the request of the Michigan Department of Environmental Quality, a second diffuser system was installed to ensure that the chloride plume would not migrate toward the well field. Diffuser #2 was a combination of two ground water purge wells and a diffuser located in the Grand River, just east of the Hudson Street Bridge in the City of Lowell. If the housing is rezoned, it may require an increase in ground water withdrawal from the municipal well field which may in turn cause the diffuser, which is preventing the migration of the chloride plume towards the municipal well field, to be ineffective. He thinks this should be looked into.

In addition, can the water supply handle this demand from additional homes? If an additional well is required to obtain the necessary water, it is unknown if this well could be placed within the same well field, or if a different location would be necessary, causing additional costs for geological investigations, well installations, piping, and an additional treatment plant. Who would pay for all this?

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Mark O. Fleet, 11461 Foreman Road

He works in local government (not in the Lowell area). He appreciates Mr. Cooper's investment in that property. He has expressed desire to preserve as much open space as possible. These concerns should be strongly considered by the Planning Commission. There are some practical issues. Traffic is a major issue on Foreman Road. He suggests lowering the speed limits and getting a traffic light at Foreman. A bike path would be extremely beneficial to the community to connect the school with the metropolitan area.

He says any amount of unchecked growth has a negative effect on the community, but growth that is monitored, and held in balance with the community desires and standards is positive. There are two major differences he sees between the MDR versus the HDR. The MDR, which is basically R-2 zoning, requires owner-occupied units which are single-family or multiple condominium-type units. There is a striking difference between owner-occupied and non-owner-occupied property in its effect on the community and our school system, and those aspects should be considered by the Planning Commission as well.

Robert Coffey, 580 Forstrum Street

He lives on Forstrum Street behind the airport between Lincoln Lake and Flat River Drive. Likes the area because it is quiet, safe and low traffic. Has lived in Ann Arbor and has seen these growth situations ruin areas, especially rural areas. He has seen the congestion happen outside of Detroit, so much so that people coming and going to work don't have enough road system to get where they are going. This also affects pedestrian and bicycle traffic. We need a place for people to do these activities safely.

Has serious concerns regarding health care services that would be available. He is a clinical pharmacist. We don't have urgent care centers located quickly to serve that need. Additional concern comes with the current financial climate in the health care field and we won't have people who lots of extra money to throw at these projects. There is no immediate hope on the horizon that the balanced budget act will let up. It is a burden that will need to be shouldered by the citizens in another way. He thinks we all pay enough taxes. He is concerned with the water table which affects everybody, as everybody shares that resource. Doesn't see how the rezoning will benefit the community, make it stronger or move us towards the missions statement described earlier.

Julie Kenney, 11801 Foreman Road

Has been in this community between Bailey Road and Foreman for 44 of the 48 years of her life. She has voted for just about everything the township has done. Her grandfather served on the township. She thinks the congestion would be astronomical. She had an accident a year ago on the corner of Vergennes and Alden Nash, and wonders what will happen with 900 more families in the area?

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When Cooper bought the property, she knew it was zoned to R-1. She and her husband were looking forward to nice homes on that property. She knows it can't stay farm land forever, but "900 trailers is astronomical." Doesn't think our community can handle the congestion with 450 houses and apartments also going over on Cumberland. Now we are looking at four brand new elementary schools, two are on bid right now, two more will be coming. A trailer park averages 1.5 children per unit. What will 1,200 children do to our system?

Also, that is a lot of traffic on that one-mile stretch. She goes to Amway every day. She used to see nobody on Bennett. She now follows 13 cars to work at 6:30 in the morning. Then she follows them back home. She waits on the corner of Bennett and M-21 for an average of 4 minutes just to get out onto M-21 to Amway. At 2 cars per unit times 900, that adds 1,800 cars, which is a lot of traffic. Now even to make a right turn onto Foreman from her house at the time that school gets out is difficult. Coming home, when a ball game is getting out, she can't make a left hand turn onto her road. She is not opposed to 1-acre housing there. She is opposed to any trailer park there.

What's going to keep Cooper from changing his mind three years down the road? He says now he is going to keep the woods and the creek. Is the creek even going to be there? Will the water supply be there? They put water across her property. She and her husband had planned on making a retirement home next to their home right now and planned on keeping a few animals around. Now, if she builds her retirement home next door, she has to hook up to water and pay for city water. How will she feed her animals on city water? Her friend in Eastgate is paying about \$60 for city water and doesn't even water her lawn.

She and her husband have owned their property since 1970. There is already an R-3 zoned area over by the airport that is already stipulated. Why couldn't that be used for mobile homes in that area instead of demolishing this land to make it flat for a mobile home park? The city government person mentioned putting a bike trail in, what's next? A bike trail across her property? She enjoys her privacy and property "even though it is only 10 acres." Will she be forced into a bike trail and sewer and more taxes?

Additionally, we only have M-21 to get through Lowell. What about people who would live in that trailer park and work on the other side of Lowell in Ionia County or Lansing? How are they going to cross Main Street? How will they get across the river? She wants the planners to consider people who have been around here for quite a few years.

David Thaler, 885 Alden Nash

He lives immediately West across the street from the Cooper property. He grew up in the Lowell area. His family has been here since 1945. His parents are retired school teachers. His 9 children have grown up and gone through the Lowell Schools. He knows we can't stop progress and supports planned and controlled progress. He knows Cooper is a good man and his intentions on the property are good. He feels that the real question is, "do we rezone his property from R-1 to R-3." He agrees with the PUD which would allow controls to stay in place. By rezoning, we leave our door open. It is enough to leave a door unlocked

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when you go away, but another to leave the door open. Much is at stake here. Our community is probably one of the most prized communities in this area of Michigan, especially now that we have one of the very finest school systems. We have protected our rural nature in Vergennes Township. We have provided for other density housing on our master plan. Everything is in the right place. He encourages the group and the Planning Commission to support the Master Plan. If Cooper would like to develop under a PUD, that is the way to go.

Pat Sachen, (no address given)

Everyone here wants to follow the mission statement and keep the community rural. Her daughter just purchased over 70 acres and they just beat the developers in. The developers wanted to use it as a piece of property where they could use clustering - where they save so much acreage. That is a ploy so they can put more houses in close together. She is sure the Coopers have good intentions, but you don't know what tomorrow brings. We hope the Planning Commission and elected officials will follow along with what the community wants and, as the mission statement says, keep it rural.

Peter Wege

He has some property near the Franciscan Sisters and hopes to retire here some day. He thinks it would be the greatest thing if Cooper would get together with a bunch of his friends and the people in Vergennes and Lowell and make the most beautiful park out of that area.

Doug Olin, 10991 Vergennes

He has been in Lowell all his life. They have 120 acres. Has a marketing company so knows what Detroit is like and what it's like to be home. He gets a kick out of people getting here and then wanting to close the door. We can't do that, although he would like to. His next-door neighbor has developed his property, which used to be farmed. The neighbor did a good job, stuck to the codes, and the master plan. He considers himself blue collar most of the time, but if we bring in a lot of blue-collar people in we will have various problems in schools. His father told him, "go out and make as much money as possible, work hard, but never step on another man to make a dollar." In this case, a lot of people would be stepped on. We need to fight things like this. There are a lot of communities that have just "rolled over" and you can see what has happened to them.

Laura Evans, 900 Fallasburg Park Drive

She and her family moved to Vergennes Township 14 years ago. She was raised a city girl. She is a biologist and she and her husband are fishermen. They have put one son through the school system already and have another child in high school. She has been a member of the School Safety Advisory Committee for a few years. Traffic on Alden Nash has been a great problem with the high school. High schools lets out during a shift change for the Kent County Sheriff's Department. They are supposed to adjust that some time in the next year.

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There is an agreement between the Lowell Police Department and the Kent County Sheriff's Unit to cover the high school area. She says they have had several events out at her place and in the area and the time it takes for the sheriff to get out to the far end of Kent County is compromising at times. She feels that the Lowell Police Department has done a great job in keeping gangs out of the city of Lowell and surrounding area. She feels that putting another huge development in the area is going to compromise our law enforcement.

Unidentified Man, (Lives on Foreman, right on the curve)

He disagrees with Cooper on the roads being in good shape. He says they aren't. He said Foreman was not built Class 1, and is a mess right now. That means the road will have to be repaired and a lot more. He lived in "that" house and had a beautiful creek when they built the new school. He no longer has a creek because it flows into that "stinking little lake that's a mud hole" that everybody's trying to protect. Let people build, but let them build the way they should build, not chicken coops.

Steven Black, Foreman

He thinks it would be good if the community got together to buy the property and donate it as a park or to the schools such as in the case of the Wittenbach Center.

Karen Chittenden, McCabe

She is new, has lived here 2 years, and has 6 acres. She lives in front of the Conservancy which is a very well developed Habitat for Humanity. She has 6 acres. It is a nice community; it has 3-4 acre parcels there. They have community land and got around some of the laws that Cooper was discussing - consolidating homes. One of her concerns is that wherever there is more money, people have more power - just like Meijers. She is not happy about Meijers. That is offensive right on Alden Nash. She can envision a strip mall there. She used to live on Lake Michigan Drive in Standale where things were very poorly planned. They had just apartments and strip malls. She thinks the zoning should be considered and keep it as it is, because that is why we all do live here.

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Gloria Stiles, 11476 Foreman Road

She is the person that has the new home going up on Foreman Road. She has lived here 33 years, moving from the Traverse City area. They were in the country there and want to keep it country here. She doesn't want another trailer park.

Sue Crimmons, address not given

There is no guarantee that Cooper will hang onto this property. We would have no idea what someone else would do with that property. Just because he says he doesn't want something doesn't mean that is the way it will be.

Tom Dissett, 1073 Alden Nash

His new home just got finished in August. One of the reasons he bought here was his family loves the rural ness of the area. Most people want to keep it rural. He is strongly against the change.

Valerie Chumney, 10654 Foreman

She has lived on Foreman for 15 years. During that time they have seen a lot of changes and she and her neighbors sometimes feel like they have been forgotten because they are right on the township line. She is concerned that there has been a lot of rezoning in Lowell Township, being the north end of the township in the last 3 to 5 years - especially affecting the traffic patterns and traffic counts, adding to all the things that are happening in that Foreman, Cumberland, Parnell, and Alden Nash corridor. We need to look at the whole area in considering zoning changes and the effect of the adjoining townships to the Vergennes Township Plan.

Unidentified Woman

Who is going to pay the taxes at the trailer park? She is looking at two new schools going up and \$400 of new taxes for a year for herself and her husband. Trailer parks don't pay taxes. That is why she would prefer houses to trailer parks.

Response to Public Comment by Applicant, Richard Cooper, 8:19 p.m.

He was approached by Landan Associates. Their attorney contacted him and said "we don't care what the zoning is there. We can put a mobile home park in and we don't care what the township says. We will immediately go to court and we will get it - just like we've gotten it in Grattan and other townships." Cooper said he knows they are right, but he doesn't want Landon in here. He looked at their mobile home park just out of curiosity and his wife Shirley said "no way - we're not going to do business with those people." He says he called them and told them so.

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Comment by Gillett Gillett noted that we are all on the same page with the concerns with manufactured housing (trailer parks). The township has no controls. He noted that we need the public to write their State Representative, Doug Hart, to voice their opinion that the township should regulate this. The township is powerless under the current laws. He explained that the way the law is today, zoning doesn't matter. The township does not have the power to fight it. Currently Cascade Township is trying to fight this in a court case.

Cooper said other townships have fought it and lost. There was a very recent decision by Judge Johnston in Grand Rapids affirming that.

He said if he wanted to make top dollar on the property, he could just sell it to them but that that is not his intention. He said if he can't get the zoning reasonable to economically develop, that would be a last choice, but he doesn't want to do that.

He responded to Pete Wege's idea of a park saying that he had asked Bert Bleke out to look at the land, at least the woods part, to preserve it but they were "miles apart on the whole thing" but said he would be willing to talk to Wege about at least part of the property or all of it. He said that at the time Wege had commented that "he had bought enough property in the area."

Responding to the question of, "if the land were rezoned to R-3, couldn't Cooper just sell it to a developer tomorrow and get something unwanted in there?" he said his intention is to keep enough control so people don't throw stones as they drive way or shoot bullets through his windows, stating that he and his wife are neighbors (of those attending this meeting). He says they don't want to mess up the property and that his wife is even more adamant than he is about keeping the property beautiful.

On the questions of, "what if he does sell to a mobile home party? Do they own their homes?" Yes, but they don't own the real property it sits on. "Do they pay taxes?" Sure. "Does the park pay taxes?" Sure. "Is it equal to what homeowners pay?" No. He says the state laws need to change.

As far as the water supply, Cooper doesn't know if there is a chloride plume. He knows that Lowell Township has a right to a certain amount of the capacity. They are not using even a small fraction of that now. They are getting charged by the City of Lowell for the full amount. They would love to have more water because they have scads of water to sell. And for those paying for Lowell water, it would lower the price.

Comment from Planning Commission Member That is incorrect.

Cooper said there is sufficient capacity for water. Regarding the sewer, any development would take years and it would need to be determined how much is needed and increase the plant supply accordingly. What happens if somebody like Landon Associates owns the

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property? They will probably say, "we'll send it down there and what they do with it is not our problem."

On the PUD question, "are we willing to listen to and deal with a PUD?" Certainly. He understands that a PUD falls under one of the zoning types so he would have to deal with that at the same time.

Comment from Gillette. A PUD is eligible whatever the zoning is, whether it is RA, R-1, R-2, or R-3.

Regarding health care services, it is Cooper's understanding that before you get health care services you must have people first. Health care is a commercial thing and doesn't come in until there is a need. His son works for Spectrum and it is his job to establish health care facilities throughout the county and he is very busy doing that.

Cooper would love to see the speed limit on Alden Nash lowered.

Regarding the Bike Path, he would love to see this, saying it could be offset enough from the road to be safe and yet not cut right across someone's front yard. He said however he doesn't have control of that.

Regarding the heavy traffic, blame that on Amway. When he moved here there wasn't any Amway. They created the jobs. About 80% of the folks have moved in since he has. We can't stop people from moving in.

Comment from Peter Wege He asked if someone came along and offered fair market price for the property, would Cooper mind if there was a park there? Cooper said he wouldn't mind a bit. That would be great.

Cooper commented that he is a blue collar person, his dad was a factory worker in Muskegon. Blue collar people are fine. He doesn't like to hear comments about blue collar people.

Regarding the conservancy, the main reason for the conservancy was the gun club and nobody wanted to live next to the gun club.

Gillett again opened the floor for open comments.

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Holly Nelson (last name unclear), Foreman Farms Court

Question: If you don't want a trailer park there, then why do you have the desire to rezone in the first place?

Cooper R-3 allows for multiple housing, and if we have a portion of the property of R-3, then you can have like condominiums, that would be more than a two-family house so that you can allow open space in areas. R-2 doesn't allow it. R-1 doesn't allow it. And even if you have R-3, you can't do that without special permit from the township. The idea is to have R-3 so that you can have the housing at least in some areas closer together so that you leave a lot of open space. That is the trend these days and it is good because then people can walk through the woods and the thought would be to put some sort of a foot path along the creek.

Susan Walter, 1045 Alden Nash

She asked, "Is your position clearly to ask for R-3 in hopes for a compromise or are you willing to settle and say keep the R-1. Or if it is kept the R-1, will you sell this property?"

Cooper I've been told by the people that know, and I'm not a developer by profession, I'm a retired patent attorney, that if it stays R-1, with the cost of sewer hookup and water hookup, it is not economically feasible. But R-2 would work and has more houses per acre potential but you couldn't cluster them together to leave as much open space. But the more R-3 we get, he said, the more open space we could leave. He would be willing to work with the township on that.

Susan So if you are defeated, and it stays R-1, will you sell that property?

Cooper That is an option, yes.

Unidentified Man from Back of Room

Question: When you say you want to be R-3 because it is not economically feasible to develop the property as R-1, why are you concerned with people that would buy your one-acre home and whether they have the right to buy or not buy it. If they can't afford to hook up, then they shouldn't buy it.

Cooper. We have to build that in.

Man. It sounds as though it is economically not feasible for you to develop the property as R-1. Why not put down one home on one acre for 150 acres and leave 7 open? What is the issue if you do R-3 in clusters and leave it open, five or ten years from now, the whole thing could be developed.

Cooper. No, you permanently reserve the open space.

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Man. I can foresee a request being changed.

Cooper. No, you legally preserve it.

Gillette. If it does go into reserve, you can never change that.

Man. Are you saying right now that you would put "x" number of acres into reserve. I have not seen or heard of a plan.

Cooper. I have a plan, several people have seen it and like it, but I have been advised by Mr. Kilpatrick and by the Planning Commission and the literature I have read that I am not to bring in a plan when I am requesting rezoning. I am not allowed to.

Jay Kilpatrick. I'm a consultant with the township. I work with them on rezoning projects. The reason we suggested to Cooper to not bring in a plan is when you rezone a property, everything that's available to use by right on the property can and could be considered as a development option. If you were to bring in a plan and it got rezoned as a result of his bringing in that plan, there is nothing to prevent him from turning around and selling it for something totally different. So a plan at this stage is premature. It's unfortunate, but that is the way the zoning law works in Michigan.

Cooper. In answer to your other question, "why can't we just charge the people for the hookups," because when you develop it with public sewer and water, the developer must put in those things. When you do it with a well and a septic, that's up to the owner. He says that's why he was originally going to do this with R-1 with 1-acre parcels. Then the school went in, the sewer went across, and the water went by. That option is no longer available.

Man. When people would buy the home, the water and sewer would already be hooked up and added into the purchase price of the home.

Cooper. Everyone he has consulted said it just wouldn't fly because the cost would be too high.

Man. When Foreman Farms went in, they hooked up to sewer and water and I don't see where that stopped 20 homes from being sold.

David Thaler, 885 Alden Nash

Has property right across the street that is also zoned R-1. Cooper should look into a PUD because it will allow him under the controls of the law to do exactly what he wants to do without having to rezone to R-3. That would give everybody the protection they need because the law is there to protect us from the developers. He said he understands what Cooper says about the economics, because he has worked with a developer and looked at

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some of those very same things. He feels that Cooper needs to do this under the existing Master Plan.

Gillette: In response to the question, what is a PUD, it is called a Planned Unit Development. An example of this would be a 30-acre parcel, zoned for 3-acre lots. You could put 10 homes on it. They all have to be on 3-acre lots. In trying to preserve open space, we want to continue to look at different ways to preserve open space. With a PUD, we would give the developer an extra bonus, 12 homes to put on that 30 acres but we would have 15 acres set aside for open space. We still have approximately the same number of homes. We haven't changed density, but we have preserved open space that will stay open space forever. If you get people with 3-acre parcels, for instance in our R-A district and then down the road, zoning does change, development does happen, you can have 3-acre people starting to divide those up. If a PUD is used, and you get the homes clustered with open space reserved, you don't have those options to further divide it up. So it stays that way and we preserve some of the beautiful natural features we have. You can do a PUD with R-A, R-1, R-2, and R-3 - all our zones.

John DeVries, 775 Alden Nash

He is just to the northwest of the Cooper property. He wanted to develop his own land. He had it rezoned to 1-acre and started checking with Lowell builders and the people who put in water mains and sewers and underground wiring and gas lines and all the rest of it. He would be giving away his land in order to put in these lots. Economically, you cannot develop 1-acre lots and he doesn't know how Foreman Farms did it.

Gary Knottenerus, 11900 Vergennes

He asked how many people in the room would be willing, if the land could be purchased and made into a park, to donate money for that? There was an almost unanimous show of hands.

Julie Kenney, 11801 Foreman Road

Question: She hears townhouses, not trailer parks. When she looked in Ada the other day, she saw rows and rows of townhouse and more people yet.

Cooper. His present thinking is stick-built individual homes with some townhouses or condominiums so that we can concentrate at least some of it and preserve a lot of the woods and the property straddling the creek. He can't present that plan here however. The number of townhouses is under the control of the township and the more townhouses they allow, the more open space there would be preserved. Under R-3, this would be a special use

Julie asked what kind of taxes the townhouses pay. Gillette answered that townhouses are not like manufactured housing. They pay taxes based on their assessment like other real estate.

Susan Crimmons, Alden Nash

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Question: What is the next step and what can we do? And When? Will the public be informed of that? Where?

Gillette As a committee, with your input and Dick Cooper's input, and the master plan, we have to make the recommendation to the Township Board. When is unknown. The decision will be published in the Buyer's Guide and the Lowell Ledger.

He suggested that people could contact the township board with letters just like they do with any public officials. The Planning Commission normally meets on the first Monday of each month. The Township Board meets two weeks after that. You can contact the township office or read in the paper what is going to be on the schedule.

The Planning Commission won't make a decision tonight but will probably take the issue up again at their next meeting, October 2, 2000. If they were to make a recommendation, the Township Board meets two weeks later and that's when it would be voted on. These are public meetings so people can attend, but today was the public hearing to voice opinions.

Tom Molunday

Question: Does the Planning Commission know something that the public doesn't know in making their recommendation because he hasn't heard anything in favor of the rezoning?

Gillette. The Planning Commission has to look at the master plan, be fair to Mr. Cooper, and be fair to the public. You can buy a copy of the master plan at the township. It took over a year and a half to develop using public hearings and input. It was very clear that people wanted to preserve the rural character of the area.

Ken Thuston, Lincoln Lake

He sat on the committee for the Master Plan. 90% of the people here are being affected because that spot was chosen. If this is not adopted, where does that leave the Planning Commission for a spot for an R-3 mobile home park.

Gillette. Answer. It will have to be another spot within this township. There isn't anybody in this community that wants a manufactured home community across from them. The way our state laws are written, there is a commission that has 6 people in the manufactured home business out of 10 on the commission, appointed by our legislators. They are the ones that make the decisions on manufactured housing. You cannot, under current state law, deny a company like the one that approached Mr. Cooper. That is why Grattan and Cascade are having problems as well as Bowne to the South. These companies are going through everything we do with a fine-tooth comb because there are big dollars to be made in owning a manufactured home park. A lot more dollars, unfortunately, than our township can battle. Our township does not have the tax base for the legal battles. Cascade has a tax base because of enough industry to fight the manufactured homes people. Grattan, and Bowne don't have

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that type of tax base. We need to go that next step and write to our representatives about it. This law needs to be changed. It's unfair to our children and our school system, it's unfair to our community because we can't preserve our open space and make a community that is acceptable for all of us to live in. Even though there are trailer parks in the area, there are none in Vergennes Township. Until that law is changed, we can't fight it.

Cooper But I don't need to be here to ask for rezoning in order to sell my property to somebody like that. They could put that in regardless of what you think of my rezoning request. I wouldn't even have to show up here. Because of the state law, I could sell the property, they would put a mobile home park in there, and the public couldn't stop it.

Jeff Linde, Hillcrest

Is there any organized effort that townships can dovetail into and write to their representatives? Or, is every township on its' own? Is it legal to dedicate any time from the Vergennes Township employees?

Gillett. The majority of the townships are on their own. If the townships could get together that would be very productive. You may be able to start with the communities that the schools are getting together with the Englehardt Fund which brings in the City of Lowell, Lowell Township, and Vergennes, meeting this Wednesday. There may be a way to start there and springboard into other townships. As to whether it is legal to use the Vergennes Township employees, he did not know the answer.

Unidentified Woman from the back of the room

1. Is it true that there is already land zoned R-3 out by the airport in the master plan right now?

Gillette Correct.

2. What else can we do here if this is our one chance to convince you that we don't want this.
3. If the board does go ahead and approve this, what is our legal recourse as land owners if our property values go down.

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Jay Kilpatrick. He can't advise in the event that a public agency acts in a way that the public doesn't want them to act. We need to exercise our own political rights and legal rights if we need to. The Township Board does need to give this issue its due. Everyone has a right to request rezoning. That's what Mr. Cooper is doing. Whether they act tonight or take it up at their next regularly scheduled meeting is up to them. It's a decision that requires some thought. We may be confusing some issues here. There clearly is R-3 in this township. There is not, however, within the current zoning ordinance, a designation that permits manufactured housing. Cooper is not proposing that. If you don't have a provision for it in your ordinance, State law allows a developer to come in and say "that means you are excluding it so I can put it any place." That is not the issue tonight. Mr. Cooper does not need to go through this hearing tonight if that is what he wanted to do. There is property zoned for R-3 out by the airport. So the question for this board to consider is really four things:

1. Is this generally consistent with the master plan?
2. Does it provide for a use for which there is a market?
3. Does it have impact on property of any kind, positive or negative?
4. Is there a reasonable use for the property as it is currently zoned?

Those are the questions they will have to struggle with.

Carolyn Medendorp

What is the point of having a master plan if you are not going to adhere to it?

Tom Dissett

One of the things that seems to be an issue is a trailer park. We as citizens aren't necessarily opposed to manufactured housing. Manufactured housing is not the issue here. It is the zoning that is the issue. We are getting away from the issue here. We don't want to rezone from R-1 to R-3. We have people buying acreage and putting manufactured homes on their acreage. Why is that not consistent with the laws. We are being prejudiced to manufactured housing.

Gillett. If you buy a lot, you cannot put a manufactured trailer on a lot in this township. You can put a modular home, a pre-fab, but it has a basement and a foundation.

Unidentified man in back of room

Stick with the master plan and don't change the zoning. Cooper does have the option to go PUD. DeVries is having to do that with his property. Stay with the master plan.

The public hearing was closed at 8:55 p.m. and the Planning Commission meeting was reopened.

Gillette thanked the attendees for their orderly participation in the public discussion.

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Jay Kilpatrick suggested the option of tabling the issue if the board was not inclined to act tonight. He also suggested a potential revision of the ordinance that would enable other densities within the R-1 PUD. The biggest problem he is stumbling against right now is that the ordinance says any PUD must include only uses that are permitted in the underlying district. So if he is stuck with R-1, he is stuck with single-family homes. With a change, he could use condominiums within a PUD, or he could do town homes or two-families, but right now he can't do it in R-1. Gillett suggested that that might be a good compromise to preserve this open space and preserve the density and may be a good compromise for this whole issue. Baird moved to table the issue. No second was made.

Motion to close the meeting was made by Weber and seconded by Alger. Vote was unanimous to close the meeting at 9:00 p.m.

Respectfully submitted,

Sandy Lindhout, Recorder