

## Planning Commission Meeting

### Vergennes Township

April 6, 2015

The meeting was called to order by Mastrovito at 7pm.

Roll Call – Present were Mastrovito, Gillett, Rosema, and Post. Jernberg arrived at 8:30pm and joined meeting for Agenda item 2.

Jay Kilpatrick, Williams and Works, was also in attendance.

The minutes from March 2, 2015 were accepted with the following change in *italics*:

“To highlight a few items from the memo, the *proposed* shared driveway to parcel A and parcel B cross a wetland area.”

A motion to accept the minutes with changes was made by Gillett, seconded by Rosema. Motion passed.

Approval of Agenda – A motion was made by Post to accept the agenda as presented; seconded by Rosema. Motion passed.

#### **DAS and DHS Holdings LLC – Home Development Site Plan Review**

Don Degroot of Excel Engineering and Ken Hildenbrand, representing the applicant, were present. Degroot gave a brief history of the project. The land was rezoned to R2, medium density residential. It is on the east side of Alden Nash SE on 98 acres. The plan is for 106 single family lots, plus 3 land division parcels along the south side. It is near an existing creek.

The property is proposed to be served with a public street maintained by Kent County Road Commission. There will be two entrances, one across from Kayden Lane and one approximately 700' south.

There will be public water and individual drain fields. Power, gas and communications will also be available.

They are aware of the trail adjacent to and south of the property. No lots will have ownership of the trail. There is a buffer along stream corridor. There will be storm water management ponds to control runoff from the development.

There was some discussion about inter-connectivity between Cooper Preserve and the development. This will be discussed further.

They are proposing sidewalks on one side of the street of the main loop road, and one private cul-de-sac with the rest of the roads being public. The Kent County Road Commission tends to resist cul-de-sacs due to maintenance purposes. Two are tentatively approved due to the layout of the land. The proposed lots exceed minimum requirements of 17000 square feet. Most are 7/10ths of an acre and 300' deep.

Public comment time was opened at 7:12 pm.

Deb Pavsek of 970 Alden Nash Ave, SE – She has an easement concern. When she backs out of her garage, she is not on her property. She has been using it and keeping it mowed since purchasing the house. It was not an issue until now. Her drive extends onto the development property. Degroot responded indicating they could grant her enough land to allow backing or they could set up an easement for a shared driveway so there is not another drive crossing the trail. He stated that the lines of communication are open and dialogue is ongoing.

Ms. Pavsek was also concerned about traffic on Alden Nash. The speed limit is 55 mph and there are many students from the high school traveling that road.

Commissioner Rosema brought up the wetlands near that driveway. How would that be affected? Those are further down the road.

Maryalene Laponsie of 775 Alden Nash SE – She wanted clarification of where phase 1 was. Were houses going to be spec houses or custom built as lots were sold? Were there going to be street lights in development? She also had traffic concerns. Degroot responded. Phase 1 is along SW side of development. The houses would be built as the market dictates. Probably will not have spec houses. There are existing trees along trail and on east side of property. There will be street lighting.

Brenda Patterson – 12011 Foreman. Traffic is a big concern. She noted the corner of Foreman and Alden Nash is an accident waiting to happen. It is like a speedway through there when the students are coming and going to school. What kind of traffic is estimated to go through there? What about the wildlife?

Tim Stephens of 1104 Alden Nash Ave SE Also concerned about traffic. He leaves before 5 am but his wife leaves right at the high traffic time. Will there be any stop signs to control traffic? Also, the development behind the Meijer store has many vacant houses. What will this development do to their property values?

Mari Stone of 14024 Thompson Drive – representing the Lowell Trail system. She appreciates what Mr. DeGroot said about taking the trails into consideration, but disagrees that the plan does that. Scenic views are severely disturbed. She believes a better use for outlot "C", which is adjacent to the existing trail, would be to incorporate it into natural spaces. She noted that the township master plan stresses connectivity to natural features, other developments and public areas. There is no direct way to access the Cooper Woodlands from the development. There is no potential street connection to property to the north so that residents can go back and forth between developments without going out onto Alden Nash. She asked if the DNR had been consulted about the wetland area - sees potential problems with oil and salt contaminated road drainage ending up in Lee Creek.

There is a note on plans about Outlot C being reduced? What does that mean? There is a Consumers Power easement running through there that prevents any building under and around power line. There is a dashed line on the site plan – runs about 300’.

County road specs are 30’ wide roads. That width will increase speed through development. Having narrower private roads is a better proposal.

The retention/detention ponds seem small as the Planning Commission stated earlier.

She also addressed street lighting and drainage. If no homeowner association is utilized, Special Assessment Districts for lighting and drainage would need to be established to cover costs to maintain the retention ponds, etc...

Mastrovito noted the proposed private drive between A and B, as well as private cul-de-sac, would require a maintenance agreement.

Robert Rogers –13700 Grindle Avenue, representing Lowell Fire Department. He requested that the street names be completely different from anything in the area already. Female names are discouraged. What are plans for fire hydrants? Degroot stated they would rely on the Township engineer to determine how many and placement of hydrants. Rogers requested that all future hydrants be equipped with quick connects (Storz connection). They run about \$160 each. They reduce connection time to the hydrant significantly which makes a difference in fighting fires.

What about proposed ball fields? How will those be developed? Per DeGroot, those are not part of this development and are owned by Lowell Little League. He has no information on them.

The public hearing was closed at 7:37 pm.

Planning Commission questions. Jay Kilpatrick, Williams and Works, went over the Commission’s role in approving /denying plans.

A plat concept is new to most members since there has not been one in the township in quite a while. The Planning Commission has to decide approval based on what is in front of them right now. The developer still has to get approvals from other review agencies, Road Commission, Drain Commission, etc...

They are only getting approval for phase one right now. Future phases will be brought before Commission and Township Board for approval as well.

Two access points are required given size of development. The Road Commission dictates anything to do with the roads and access points. It is done during their regular meetings, which are public.

Because the roads cross the trail to access Alden Nash Avenue, hazards must be identified and marked appropriately. The Township Board approves them.

The Township Ordinance states anything over 50 lots requires public streets. He recommended the ordinance be reviewed and updated. Changes could be made and approved in a timely manner that does not affect the timing of the development. Changing the roads from public to private could be a condition of approval.

He commented that Private roads are narrower and reduce speeding. They can also be maintained better. Public roads rely on the County to maintain. Given their current budget constraints, this type of road would be far down the line for repair. Private roads also allow for different and more creative configurations. There could be a boulevard entrance or roundabouts.

A condition of approval could also be compliance with setback standards. It is unknown how the houses will be oriented. Also, Lighting and landscaping could be conditions of approval.

There are some interesting elevations across this property. There is a 56' change across the property which allows some viewshed opportunities. Higher elevation areas of the property may be better off as green space so as to protect the natural character.

The storm water management ponds would seem to take up most of the proposed green space, making that area unusable. More details would be needed from the drain commissioner to determine proper size. There may be some detention on individual lots by way of swales in yards, etc... Otherwise, what is touted as open space may not be more than retention pond.

All buildings and structures seem to be accessible to emergency vehicles so far. It is unclear, however, whether the driveway shared by Parcel "A" and Parcel "B" is sufficient. It may be necessary for the applicant to install a temporary cul-de-sac at the end of Street "C" in Phase 1 to allow adequate vehicle turnaround.

The proposed development would be served by public water and private septic systems. Approval by Health Department is required. Is there a better alternative to individual systems? An onsite treatment system could be utilized. If and when public sewer is available, the onsite system could then be abandoned. Having an onsite system adds costs to the project, while individual systems put the cost on the homeowner. Lots could be smaller if a public system was used. This would allow for a better layout and would better serve the community. It could also make it worthwhile for the developer.

The Township has 63 days from the date of submission to approve or deny the development. That date is April 27. May 23 is the 90 day deadline for the Township Board's approval. If no decision by then, it is automatically approved without further township input.

If approval is recommended, the following conditions should be included, along with others as deemed appropriate.

1. Set a date by which all sidewalks in Phase 1 must be installed.
2. The Township Engineer shall review and approve the proposed driveway connecting parcels "A" and "B" to Street C prior to construction.

3. The developer shall install detectable warning strips and trail stop signs at both intersections with the LARA Trail, when streets are constructed.
4. The developer shall install a temporary cul-de-sac at the end of Street "C" to afford adequate turnaround areas or show how adequate turnaround access would be provided during phase 1 construction.

Don Degroot – They came forward with what they believe meets the Township requirements and goals and objectives of the developer. There is nothing in ordinance about open space. They don't want to cross the creek if they don't have to. A suggestion would be to look at proposed private drive between Parcels "A" and "B" for access to Cooper Preserve. Connections to the north would happen in later phases and can be worked in as needed. There is a 1% - 2% grade from the high point of the property to Alden Nash Avenue. They can use the existing grade to build houses with daylight basements, which are attractive to buyers.

To put in a temporary wastewater plant would negate this project cost wise. The soils are excellent for drain fields. The proposed lot sizes, quality of soils and public water make it excellent for onsite drain fields.

Changing the Township ordinance to change roads from public to private could delay project 4-6 months.

Rosema – sidewalks are mentioned in side notes of plans. She would like to see them on both sides of the street, especially since there is no other direct route to Cooper Preserve or ball fields in the development.

It was noted that Hydrants are installed per Lowell Township requirements, as they own the water system.

Gillett – private roads have many benefits. There is already one private cul-de-sac.

Degroot questioned the public need for access to Cooper property – Mari Stone replied that the Cooper already has public access through a 60' easement on the south side of the property along Foreman Street from the Little League property. The issue is providing access from this proposed development to the Cooper property and baseball fields.

Degroot – the private drive between Lots A and B could be used. Moving the access further east is not feasible due to slope of land. Connections to property to the east would not be feasible as there are wetlands and Lee Creek running along there. Connections to the north makes sense and can be worked in when that phase is begun and when the property to the north is developed.

Post – Kent County Road Commission has control over the traffic, including placement of drives and if slow down lanes/turn lanes are needed.

Speed is determined by the State of Michigan with suggestions by the County taken into account. Any traffic lights would be at the county level.

Kilpatrick stated the Road Commission has no say in whether the development can go in or not.

Jernberg – Space 37 or 42 could be set aside as conditional use for access to north property. If the property does not get developed for any reason, they can go ahead and sell the lots for homes.

Jay Kilpatrick – one way to approve site plan would be to look at the 24 lots in Phase 1 as being on a private road. (Private Road Ordinance allows up to 50 houses per road). The ordinance could be changed for Phase 2 and on. The change could be made before final approval. The Planning Commission can only recommend to the Township Board that it be considered.

Private roads would allow narrower road widths, slower speeds, more creative use of space.

Jay – private road agreements are easy to establish in new developments. There could be a special assessment district set up but not used unless homeowner’s association cannot agree on terms. It is a condition of buying in the development. It is likely there will already be a district for street lighting and drain pond.

Rosema motioned to deny development as designed because it doesn’t fit the intent of the master plan. No second. Motion dies.

Gillett motions to table the decision and discuss the private road option and talk to the Board. Rosema seconds the motion. Roll call – Jernberg – abstains due to missing most of the discussion, Post – No. Rosema, Gillett and Mastrovito – Yes. Motion passes.

The Planning Commission will meet again April 27, 2015 to make recommendation to the Township Board. The Township Board has until May 23 to approve overall plan.

## **2. Zoning Ordinance Amendments - Overlay District and Noise Ordinance**

Jeanne Vandersloot went over the “LFP” Little Farms Plat Overlay District. She discussed suggested revisions by Andy Moore of Williams and Works.

Under section B, permitted uses;

*Personal greenhouse or nurseries*

~~Community buildings, government owned open space.~~ This is an established plat. No further building of this nature would occur.

Under *Special Exception Uses*,

Section 2 can be deleted as there will be no licensed child care centers built there.

Section 3 can be deleted as this is already a plat. It cannot change to a PUD (Planned Unit Development).

Section 5 refers to neighborhood local businesses. This area is not zoned for businesses of that nature.

*D. Keeping of Livestock*

The Right to Farm Act supersedes local zoning laws. These restrictions are allowed because of the overlay district.

Section 4, change to add:

There shall be no more than one such animal per acre with a maximum of six such animals on any parcel *or lot*, excluding poultry, rabbits, or other similar sized animals which are typically caged or kept inside of a building.

Section 6

Animal generated waste must be stored at the same setbacks as in ~~(4)(a)~~ (D) (1) above.

Add Section 8

*The provisions of this section do not apply to farms and farm operations as defined in the Right to Farm Act (Act 93 of 1981), provided that such farms and farm operations are in compliance with adopted Generally Accepted Agricultural Management Practices (GAAMPs).*

Section numbers will be re-numbered as above items are deleted.

Commission accepted above changes and will set a public hearing to adopt the changes at their regularly scheduled August 3, 2015 meeting.

### **Noise Ordinance discussion**

Chad Laux of 11991 Alden Court questioned what type of ordinance was being proposed and what would be covered by it. He just wanted to understand. He and his children ride their dirt bikes on his grandparents' 10 acres. Would that be affected?

Bruce Doll – 2255 Fallasburg Park Drive – They ride dirt bikes all the time. They try to be respectful of the noise, never at night. They also do not ride every day. It is a great family activity. They bought three new bikes in 2013 and 2014. There are only 30.1 hours on them in the last two years, which includes two trips up north.

There has been one noise complaint from the neighbor. They worked it out with him, no further issues.

Mastrovito – he lives near the property they ride on. No one is telling them not to ride. It's not necessarily the decibels, but the frequency or pitch. At 200 feet away, it is still 100dB. Mike can hear them riding from his basement, and he welcomes them to come over and listen. What they consider a nice family activity caused his family to have to leave their house for the day because of the noise. A chainsaw is 88 – 90 dB. He can shut his door and it's not an issue. With the dirt bikes, even with the door closed, he can hear it on the far end of his house. Clear Creek Drive residents can hear it more than they believe they do. Is there a way to lessen the noise? Reconfigure the track? Put adaptors on the mufflers?

The adaptors are expensive. The bikes they use are legal for Michigan Trails. They recognize the need to discuss with neighbors and possibly reconfigure the track.

Wittenbach – The noise ordinance has been in a discussion phase for years. The Township is still looking for ideas and suggestions. Nothing has been written yet.

Jernberg – Can Williams and Works bring information about noise levels, etc... to the next planning commission meeting? Mastrovito offered to bring in some tests for demonstration purposes so the commission can hear the differences. The members thought it was a good idea.

### **General Public Comment Time**

Bob Rogers of Lowell Fire Department demonstrated the hydrant hookups that they would like installed on new hydrants. He gave a sheet showing different connections to Commission members.

Mari Stone – talked with Lowell Township Clerk and they are in process of changing their water ordinance to require the requested hydrant attachments. She will let the clerk know and encourage them to take up the issue so they can be required.

A motion to adjourn the meeting was made by Gillett, seconded by Jernberg. Motion passed. The meeting was adjourned at 9:25 pm.