

Vergennes Township Planning Commission

August 1, 2011

The meeting was called to order at 7:05 pm by Nathan Post, co-chairperson.

Roll Call – Baird, Post, Mastrovito, Medendorp and Rasch were present.

Chairperson Jernberg arrived at 7:06 pm and let Co-chair Post continue.

A motion to approve the minutes from the May 9, 2011 meeting was made by Baird, seconded by Medendorp. Motion passed.

Agenda changes or approval – Per Jeanne Vandersloot, add possible ordinance amendment regarding location of farm markets needing to be on property where goods are raised on. Motion by Baird, seconded by Medendorp, to add to agenda. Motion carried.

1. Proposed ordinance amendments discussion of the Agritourism Section:

- a. Agritourism Section – Tim and Kathy Wittenbach purchased the McGee Bed and Breakfast property on Alden Nash, NE. They want to do more than B & B and want to apply under the Agritourism ordinance. Tim Wittenbach was present to give more details.

Tim – still going to be a Bed and Breakfast. They would like to also have a café, which is not allowed in the Bed & Breakfast and Agritourism ordinance. Also, they may have some people get married there or have other outdoor gatherings. There is nothing in ordinance right now that would disallow weddings per discussion with Commission. People have weddings in their backyards all the time. Jernberg sees no red flag for it. Medendorp said it's different if it's not your family. It would come under "special event" which will be added to the language of 3.04 C.16.f. Tim Wittenbach doesn't want to have issues down the road given his position of Supervisor in the Township.

There is some concern that the ordinance states the Township establishes "capacity" for the buildings and sites. It's not the township's place to say if there are too many people. That would be up to the health department/fire department and building inspector.

Capacity for the Bed and Breakfast is being reduced to three rentable rooms. Tenant size will be two rooms. They are installing an extra bathroom on B&B side.

Medendorp asked how it is different from commercial if not owner occupied. Per previous discussion by Tim with Mark Fleet, Township Building Official, state law

indicates it comes under Innkeeper. Manager of property is not owner, so it would be commercial. Is this the way to address it or will someone else come along and want to do something and not live on the premises?

Wittenbach's intent is to have family on premises, either sister-in-law or daughter.

Concern about wording of "appointed resident manager" concerns Post/Medendorp because anyone could come and try to run commercial business from unoccupied home in district. Co-owners of business, one lives there, one doesn't. Medendorp just wants to make sure wording is good to avoid future problems. If going to have "appointed resident manager" in ordinance, don't need "family member occupied" in there.

It's Wittenbach's intent to be very hands on but he doesn't want to live there. Clarify that there is a full-time resident manager on premises needs to be in ordinance per Medendorp. (Occupies property full time).

See 201.304 C 16 a and c for language.

The next areas seem to be Building code items, do they need to be in our ordinance? (Medendorp.) We are asking plan be submitted to township. This is considered a single family dwelling unit. Tom doesn't think we should be mandating what is already controlled by the state or fire department. The black print is what is already in the ordinance; red shows proposed deleted language, blue shows proposed new language.

Scott wants "f" to be stricken. We should not determine capacity. Fire chief and building inspector should determine that. Medendorp said we could limit based on area and roads, etc. They may say 1000, we only want 100.

Do we want to limit capacity to control crowd? We cannot set safety limits. Post/Baird say leave it as it is. Tom thinks take word "safe" out of ordinance.

Change "f" to read Fire Chief and Building Inspector, remove Township.

The Commission agreed 201.304 C 16 f should read as follows:

"The Fire Chief and Building Inspector shall establish a capacity for meetings, special events, training or educational events which shall be appropriate to the site and facilities in terms of safe capacity in buildings, parking area and sanitation limitations of the site. "

“s” in agritourism – all new language. Concern about naming hours and days of business per Township Board. Remove “the hours and days of the week and anticipated ...through attendees arriving to consume food must be supplied. “

Final wording should read:

“A small bakery, café, ice crème, sandwich shop or similar small scale eating area may be included in the general floor plan that allows customers of the establishment, whether sleeping there or attending a conference or event, and the general public, to receive other meals or food during specific open hours. “

Add changes to Bed and breakfast ordinance also? 16 A about owner occupancy should be added per Jernberg. It would make it consistent. After further discussion, no changes will be made. Wittenbach said there are a limited number of people that could run an agritourism business versus a bed and breakfast. If you have an extra bedroom you can run bed and breakfast. Agritourism involves a whole other set of criteria. No changes to Bed and Breakfast ordinance regarding occupancy of manager made.

Reviewing ordinance for other changes, # C 5 states no more than 3 persons in addition to owner/family members can be employed. We don't want to tell owner how to run business. Limiting number of employees restricts their ability to expand business. A large farm may have more employees. Commission decided to strike entire section. The following will be removed from the ordinance:

(5) “The accommodation use shall employ no more than three (3) persons in addition to the owners and their immediate family, including spouses, siblings and children.”

Wittenbach's would like to have a soft opening in October with the grand opening during the Walk thru Lowell weekend in November.

Planning Commission would need to have public hearing August 29, 2011, four weeks from now. It would then go to go to Board in September. A special use permit is required after the public hearing changes take effect. The public hearing date of August 29 will allow for grand opening dates as requested.

Change definition of Agritourism Business to remove “proprietor” and substitute “owner or resident manager”.

There is a motion to accept changes as documented above per Jernberg, seconded by Medendorp. August 29, 2011 is public hearing for above changes per Jeanne Vandersloot.

Motion passes.

2. Accessory Dwelling ordinance amendments.

Change accessory dwelling to include more than mobile homes. Added new definition. Adjust new definition as follows:

“subordinate in size and appearance...take out “and appearance” and exchange “subordinate in size” with “...and not exceed the size of the main floor of the primary dwelling unit”.

A 1. Design of ADU architecturally consistent ...is subjective. Do we want to get into this much detail? Change wording to read:

“The design of the ADU shall be compatible with the height mass and general design of local buildings and not detract from the general character in the immediate vicinity of the site.”

Change #6 to read “minimum square footage shall be ~~800 square feet~~ 400 square feet”. Medendorp mentioned that there are these “park models” of complete homes that can be placed on property and some even have built in porches. They are often used in retirement areas or around lakes.

Change #7 to read “Maximum square footage of an ADU shall not exceed the size of the main floor of the primary dwelling on the lot.”

#11 – Not to allow ADU to be separated by ownership from the principal dwelling unit unless sufficient land area and frontage is met for the underlying zoning district and the regular dwelling square footage size of the ADU is met or exceeded.

#15 – Require recordation of the special exception use permit.

All ADU permits for second dwelling units shall be recorded with the Kent County Register of Deeds, prior to issuance of any building permit. Rest of paragraph, etc.

Vandersloot will add the line/use of “accessory dwelling subject to section 201.441” in each special exception use section of each of the districts of R-A, R-1, R-2, R-3, F-R and R-L.

Medendorp motioned to request a public hearing on above changes and to set the hearing date for 8/29/11. Mastrovito seconded. Motion passed.

3. 201.405 Basement and garage living prohibited.

Amendments coordinate with the Accessory Dwelling Section. Clarify word “auxiliary” by adding “attached” next to it. At end of last paragraph, add: “but may be permitted under the accessory dwelling ordinance, section 201.441”

4. 201.402 Accessory buildings, construction timing and location limitation.

Board wants additional language added to clarify process and deposit to allow applicants to construct an accessory building before the dwelling. Proposed language is underlined. Applicant would submit a proposed timeline of construction and a signed statement of proposed use of the accessory building. Money would be required to be deposited to be used to remove building if house is never built on timelines approved. Main item is to give Township accessibility to money. Township Board can set a time limit based on what resident asks for. Language would read as follows:

Except as provided in Section 3.04, C, 10, in Sections 4.02 B. and 4.02 C, below, and in this paragraph, no accessory building or use shall be used or engaged in prior to the establishment of the principal building or use upon the premises except as a construction facility for the principal building or buildings upon the premises. An Accessory building may not be constructed prior to the principal building unless a surety bond, cash deposit or bank letter of credit of an amount approved and accessible by the Township Board is posted prior to the issuance of a building permit and kept in place until the dwelling is built and a certificate of occupancy issued. An applicant shall present to the Board a timeline graph of the proposed construction of the accessory building and the future dwelling and submit a signed statement of the proposed use of the building. The maximum number of years between construction of the accessory building and the dwelling may be set by the Township Board. Accessory buildings, other than minor accessory buildings, shall be subject to the same setback requirements as the principal building and shall be a minimum of ten (10) feet from any other building.

Medendorp motions to accept the change as written, take to public hearing on August 29. Baird seconds. Motion passes.

5. 201.304 "R-A" Rural Agricultural District

3.04 B. Permitted Uses (Current Language)

4. Markets for the sale of products grown or produced upon the premises together with incidental products related thereto not grown or produced upon the premises but which are an unsubstantial part of said business including and advertising sign subject to the requirements of Section 201.403 (D) (1) (d).

This recently came up with the Rasch market located at the corner of 4 Mile and Lincoln Lake Ave. The little building has deteriorated and the new owner of the property has renovated the old school house for a relative. They also want to construct a future garage and the market building area is the most suitable for a garage. When the Rasch's inquired on moving the market across the street it came to Vandersloot's attention that a farm market must be on the same property where the products are grown or produced. So even

though Thuston's, across the street, offered their property, the ordinance would prohibit it. The Commission discussed what to do on this issue.

Should farm markets be allowed on properties where the product is not grown? Maybe you grow on a very rural road and want to move to a location with better traffic. Medendorp says no. Baird disagrees. Not all farmers live on main road. Why not use farmer market? Once a week vs. every day. Requirement was in original ordinance but not sure why? Tom feels it is a commercial enterprise if not on own property.

Rasch – what does ordinance say now? Can build on own property. Would like to be able to see someone go to a highly visible area like Thuston's, etc. and sell from there. Size is not defined. What if Horrock's wanted to come in and put market in. How is market defined? Add to ordinance – make special use if more than one farmer together or wanted to use another persons property.

Tom – this doesn't limit someone from out of township from selling. Current ordinance does. JV will look into further and come up with more language to change ordinance. Time to work on it. Season is about done for this year. Tim Wittenbach will talk about at Board meeting and come up with ideas for Planning Commission. Plenty of time to work on rest of year. Selling season is about done. Have ordinance ready for 2012 season.

Announcements – none

General Public Comment – Enworks is in their building. Open house in October.

Adjourn – Motion to adjourn regular Planning Commission meeting by Medendorp, seconded by Jernberg at 9:05pm. Motion passes.

Next regular meeting set for October 3, 2011, adding special meeting of August 29, 2011 to allow for public hearing regarding Agritourism business and other ordinance amendments, etc.