

Vergennes Township

PLANNING COMMISSION MINUTES

December 3, 2001

A meeting of the Vergennes Township Planning Commission was held on December 3, 2001 at the Township Offices. At 7:03 PM the meeting was called to order by Chairman Nauta. Also present were Commissioners Alger, Jernberg, Medendorp, Read and Richmond. Absent was Gillett.

APPROVAL OF NOVEMBER 2001 MINUTES: Motion to approve minutes from Nov. 19 by Alger, seconded by Read. All approved. Motion to approve minutes from Nov. 26 Special Meeting by Alger. Seconded by Jernberg. All approved

APPROVAL OF/CHANGES TO AGENDA: Request to change Carolyn Way item to #1. Motion to approve with that modification by Jernberg, seconded by Alger. All approved.

OLD BUSINESS

1. CAROLYN WAY PRIVATE ROAD. Carolyn Way presentation by Rick Pulaski, speaking on behalf of Wade McKay and others with an update on this ongoing proposal. Trying to iron out details. Using entrance approved for Wade McKay several years ago. Clear Creek Drive portion will be abandoned and moved to Clear Creek Private Dr. in the new location and merge further in. A 1.7 acre portion will be left green space and deeded to neighbor owning parcel C as a buffer to adjacent property. Parcel 5 is an exclusive lot connected with a 33-foot easement/ driveway with an exclusive easement to it.

Mike Mastrovito speaking for the Clear Creek group said only 50% of the people he's representing have seen the plan yet and that only 2 of 6 are "on board" with the new design. Still working together, entertaining ideas. It's taking more time than they want because of the season and being able to talk to people mostly just on weekends. Doesn't want to get anyone's hopes up until the others have had a chance to look this over. There is not yet an agreement on this.

Abandoning old road would need to adjust deeds, group still has to decide what to do with the old road.

Jernberg: Things on site plan he'd still like to see: footage frontage lines against the road. Explain easement to the last lot. Buffer for Parcel C versus making green space where it was protected. Community green space would keep it green. Show how tying in relates to other driveways, too. Is a cul-de-sac required with an alteration like this?

Jay: clear language in a document is needed so as to prevent access from parcel C to the road if that's the intent, so the road wouldn't/couldn't be extended later. If what's happening to Clear Creek is perceived as an improvement then it has to be brought up to the standards, although the VT Board could choose to waive that. Would need a request for waivers.

Jernberg: would probably also want to require a sign out by the road to help emergency services.

Medendorp: does it meet ordinance to have the driveway off the cul-de-sac? Jay:

It's a good question, but the board has the ability to waive some of this. This lot officially has no frontage. The change would create a single-residence driveway next to the private road.

Mastrovito: others still have to buy into the concept per the master deed. Debate about the end lot – that landowner has a legal right to have his driveway on Clear Creek Drive if he wants it. County agreed to the road based on 4 lots, and has not been notified that there are 8 lots.

Jeanne: original permit has actually expired.

Jay: something has to be done about the community green space with someone taking title to it – most likely one of the adjacent property owners.

Discussion about looking for alternatives to having what was originally proposed. Trying to work with a situation where rules seem to be changing, according to Mastrovito, who expressed concerns about the line of sight on the main road, given the topography of the area; the new proposal gives less sight line. Jay: the landowner is entitled to develop his property within the scope of the township ordinances. The minimum would be two lots with a single shared driveway. When this started out, the approval needed updating, but it turns out that had expired. He can use his property and these appear to meet the ordinance, but it's a question of the private road. The first part of the existing road is in bad shape and that's why they moved the outlet to the north.

Richmond (to Mastrovito): why not just oppose the development? Mastrovito: he and his neighbors were under impression they had to work with the situation or they'd have two roads there.

Jernberg: can we stipulate a change in speed limit? (Not a practical solution.)

2. GENERAL AND COMMUNITY COMMERCIAL TEXT AMENDMENTS. Jay Kilpatrick: this is a draft amendment to the commercial district that reflects what was said at the special meeting on Nov. 26th. This draft abandons the idea of Community Commercial (CC) district, but picks up some of those changes and puts them into the General Commercial (GC). Jernberg: we do want to keep CC in the toolbox if someone wants to go that way. Jay: then this draft defers CC for now. This plan creates 10 uses permitted by right and it also picked up the lighting and parking lot language from the CC concept and also the Industrial District language about finished facade on portions facing residential. Also addressed is the revised Cook re-zoning request for the wedge shaped parcel adjacent to the railroad tracks (10 acres). Added to what the Cooks already have, they would have 19.21 acres total commercial. The other two parcels to the north would remain R3. This then is a zoning ordinance amendment compatible with the master plan. Next step, if planning commission approves it, would be a public hearing for the text change, map change, or both.

Medendorp: Is there a residential section in there? Answer: It's a permitted use in a commercial district. Why 22-foot width for mobile homes? Jeanne: there are 11-foot double-wides.

Alger: lighting height, page 6: canopy lights? 14-feet? Semis are limited to 13'6" – lights would be off the paved surface and still flood roads with light. 14-feet is short. Jay: semis can fit under 13'6." Read: Could do special exception for anyone needing to go

higher. Medendorp: conflict between 2 & 4 on lighting on page 5 needs to be addressed re: horizontal vs. angled lighting. Keep/clarify 2 and modify/eliminate 4, or blend the two paragraphs. Jernberg: the point is we don't want light focused upward. Jay: can require a lighting plan to show wash of each fixture. Will have a recommended tweak available in January.

Building size: board can modify a lot of this if it wants to, but maximum size is 10,000 by right, with anything larger being a special exception use.

Richmond: Setback stipulation on page 3: 75 feet from center of road? Jay: yes, that's the current standard.

Motion by Read to set a public hearing in January. Seconded by Jernberg. All approved.

3. COMMERCIAL ZONING MAP (REZONING). (Dealt with in #2).

NEW BUSINESS

1. ADULT USE ORDINANCE. Kilpatrick: this proposal has been reviewed by VT attorney and he is comfortable with changes since October. There is a potential free-speech question, so the ordinance has to be very explicit. This proposal creates generous isolation distances for these uses, with adult businesses allowed only by special exception and only in a commercial district, with 500-foot isolation distance from churches, public and private schools and residential areas. Also requires a 1,000 foot isolation distance from any other such similar use. Such a business must maintain all required licensing at all times. VT may also want to consider implementing a police power ordinance that functions like a licensing ordinance to regulate actual use. This ordinance proposal gives VT the ability to do that, but doesn't actually do it. Next step: a public hearing as an amendment to the township ordinances, and can be set for a hearing in January. This language has been tested elsewhere.

Where does it relate to the commercial district – doesn't say where it has to be in a commercial zone. Jay: would need to add this to permitted uses in commercial zone, showing up in the commercial district as a special exception use.

Checking to be sure it's tied in all the right places.

Staff has reviewed all the data and legal research on this sort of land use by the township attorney and zoning administrator, who feel it is appropriate to regulate this use after such review.

Motion by Richmond to schedule a public hearing at the January meeting. Seconded by Alger. All approved.

2. MANUFACTURED HOME DEVELOPMENT ORDINANCE. Kilpatrick: more than a year ago, the township was advised of a deficiency in township regulations about manufactured housing (aka mobile home parks). They have to be a use by right (which it is in the R3 district). At that time, Vergennes adopted wholesale the state's requirements and has since been refining to our standards. One of our standards is more stringent than state standards (paragraph D of Section 4.16). It's possible the Mobile Home Commission will question why that's stated in the ordinance, but it's worth a try. Vergennes seems to be legally covered; it's a use permitted by right and it references the

state standards. Kilpatrick explained Cascade Township's process/floating district idea.

Next step per Kilpatrick would be to go through our Township's approval process, including the public hearing, then send it to Lansing for them to read/approve, or, more efficiently, sending as a draft to Lansing for their review –but if the Lansing commission approves it, that's the draft you have to adopt if you want to avoid a convoluted process. This proposed ordinance, drafted by Vandersloot and reviewed and updated by Kilpatrick, is largely in line with the state's standards, so this shouldn't be greatly challenged by the commission overall.

Motion by Alger to add language to include one tree per every two sites and send this draft to the state, then hold the local hearing. Seconded by Richmond. All approved.

3. BUILDING HEIGHT EXCEPTION AMENDMENT. This situation arises due to a proposed church with a high steeple. There is a need to address the building height requirements in the ordinance. Ordinances in other townships have exemptions similar to those proposed in the handout from the zoning administrator. The VT ordinances does not. An amendment would allow someone who comes in with a site plan for approval that has a higher building that's within the allowed exceptions to get it without a public hearing. The zoning administrator's handout includes a variety of language options for the commission to consider. Commission agreed on church spires and flagpoles.

Motion by Richmond to accept the following language from the model (titled 78-B in the handout) to go to public hearing: "The following shall be exempt from height regulations in all zoning districts so long as they do not exceed 85 feet in height: flagpoles and church spires." Seconded by Alger. All approved.

4. SIGN FRONT SETBACK AMENDMENT. To be discussed at the January meeting. Jay will bring the Kentwood sample.

Motion to adjourn by Jernberg. Seconded by Medendorp. Kilpatrick handed out the amended Master Plan. All approved.

The next meeting is January 7, 2002.

The meeting was adjourned at 9:18 PM.

Respectfully submitted,

Kate Dernocoeur, Recorder