

Minutes of the Vergennes Township Planning Commission
February 1, 1999

The meeting was opened at 7:00 by chair Gillett. Also present were Weber, Howard, Pfaller, Culross, Dalga, Nauta, Jernberg, and Alger.

Corrections to the January 1999 minutes were noted as follows:

*Page 3, paragraph 5, under Cell Tower - strike "City" make "Twp"

*Page 2 - "5 standards" should read "based on 5 findings of fact, and based on 5 standards of Special Exception Uses."

Dalga motioned to accept as corrected, seconded by Nauta. Motion carried.

MacKay Property - Private Road Request - Present was Kevin Grifhorst with Nederveld Associates, representing Carolyn MacKay, property owner, for an informal hearing on this request. The subject property is in the SW ¼ of Section 12, on the West side of Fallasburg Park Drive. MacKay proposes to create 4 single family lots. This is a metes & bounds split, not requiring review of the lots. The private road to serve them would be 2,276 feet in length. There would be on-site septic and wells. They need to get curb cut from County Road Commission. Proposed curbs cuts are very close - can be a safety hazard. Questioned on maintenance agreement - Grifhorst noted that they would have that at the March meeting - also question on frontage on lot 4 - this would be addressed at the March meeting. The possibility of utilizing the neighboring road, Clear Creek Dr., was raised - they would need to get permission from those neighbors. Commissioners wondered if there is a way to have a shared entrance, and felt that it would make good sense to share the entire road. Under the ordinance, sharing would require widening, paving and amendments to the existing maintenance agreement. Several commissioners pointed out that this may be less costly than constructing a new road. The applicants could also choose to pursue a variance if the neighbors could agree to share the road already in place.

Jim Hegarty will be reviewing - escrow deposit to be in place first. Zoning officer comment - road itself needs to be 15' setback from property line. Also needs to be addressed: cul- sac radius - street name - complete property line dimensions - existing building if applicable - any utilities or easements - indicated future proposed land divisions - maintenance agreements.

Cell Tower Ordinance - Dean Alger prepared a report showing cellular coverage in the area. Proposed working with the cell tower companies under our rules instead of having them dictate the rules. In the NE corner of township is the best site - it's high and away from the airport - can be unobstructive if built properly. We can encourage co-location but it is difficult. Cities can control much better - they own the towers and lease - dictate who can use. - Tax advantage for township - the towers are personal property.

Marc Daneman - need to build in incentive to co-locate - suggested making it a Special Use Permit to build one. Emissions may not be controlled under Federal Law, however, they become a problem if too many co-locations occur. Dean Alger - Engineering study including emission figures are Federal requirement of the companies.

Mark Weber - need to specify in our ordinance who must remove in the case of abandonment.

Dean Alger to chair a committee of Scott Jernberg and Vern Nauta to bring proposed ordinance language to Planning Commission in April.

Sign Ordinance - minor changes - PH in April

Accessory building - Discussion continued from January meeting. Marc Daneman addressed this issue - suggested that we would want to avoid RA front yard accessory buildings for recreational use. He sought to look for a narrow exception to the restrictions: see Special Exception Use Permit standards A-D. He had looked over the last 2 years of Zoning Board of Appeals requests - 9 for accessory building in front yards - 6 of those would not have had to go for a variance, but could qualify for a SEUP under this new ordinance.

Bob Pfaller - asked if it would make more sense to set the measurement from the house instead of from the road. Dean Alger - There are a lot of accessory building in front yards now. Tim Howard response - The accessory building set back ordinance was adopted in 1993, and many grandfathered buildings are out there, as well as ones that have received a variance.

Issue is how much in front of your neighbors house do you want the accessory building? 150 feet is used for agriculture use setbacks and 150 feet seems to be a good figure to use for this. Question on maximum or minimum size - no limitations suggested here - just location. Question concerning 5 acres minimum instead of 3. Tim Howard - referred to specifications for agriculture buildings (5 acres) as a basis for this figure. Concerning height issues - comment that if home is a ranch style, and if owner has motor home they want to store, accessory building needs to be taller than the house to get into accessory building.

Issues identified: 5 acres verses 3 acres
Minimum setback: 150 feet, no closer than neighbor, or so much in front
of existing home.
height - not exceeding existing structure?

Comments - VanderSloot

- * proposed language is better than existing
- * feels 150 feet setback is too much
- * would rather see language utilizing real property like “next 2 houses on either side”
- * how much is required for screening
- * sees no reason to exclude Home Based Businesses or Home Occupations
- * “Architecturally similar” is arbitrary - “residential construction” would be better
- * small sheds historically haven’t required permit if not attached to the ground
- * In Lake Residential - no accessory building allowed at all under current language

Mark Weber suggested tabling until March meeting to make decisions and develop final language.

Request Concerning Day Care Center in RA - Barb Roth - handed out packets of information also included Grattan sewer availability and a new traffic count obtained with a 7 day independent study. Also a copy of site plan and blueprint. She intends to make changes to the look of the building. More residential in appearance. Demographics of area also included. Her blueprints have had preliminary approval from the State Agency for child care centers.

Rick Gillett summarized the history of the request - under current ordinance not allowed in RA - Gillett commented that the proposed use compares to a commercial operation, and that we need to be moving on the issue in context of the comprehensive plan for the township. He asked why the location was chosen? Roth responded that it was because of the availability of sewer and the family ownership. Gillett stated that the comprehensive plan will consider a Northern commercial district, and perhaps this use would better fit a commercial district.

Roth mentioned the Franciscan Life Process Center. Asked to compare her proposed use. Also she wondered about re-zoning. Marc Daneman - spot zoning not allowed, however, he said other criteria could be used to screen out unwanted uses. In his opinion, the use essentially functions like a school. He thinks a Special Exception Use Permit would work best. He will have further facts at next meeting. Our current choices are to re-zone, include language in the ordinance to allow, or deny.

Gillett stated that Williams and Works will have preliminary goals for us at the next Comprehensive Plan meeting, and these may help guide Planning Commission in this area.

Land Divisions - there will be more of the kinds of applications for splits that involve a private road like the MacKay property. A policy is needed to use when splits come to the office.

Citizen Request - Driveway setbacks - Bill Scheur Jr. raised the issue concerning reconsideration of the ordinance. VanderSloot is concerned with frontage on Cul-de-sac lots. Has seen several instances where it is difficult to achieve the required setback. Seven area townships have no setback what so ever. Main problem is there is no chance for compliance on many sites. Will be on next months agenda with more information for the new commissioners.

The meeting was adjourned at 10:30 PM.

Mari Stone
Acting Recorder