

**Regular Meeting of the Vergennes Township Planning
Commission
Feb. 2, 1998**

The meeting was called at 7:04 by Howard, who chaired the meeting in the absence of Gillett. Also present were Weber, Pfaller and Wilcox, and Township Attorney Jim Doezema. Pedley was also absent. Minutes from the January 5th meeting were approved with a motion by Weber, seconded by Pfaller.

Mike Harding - Request for Site Plan Review

Ray Zandstra, of V-Tec Engineering, explained the site condominium plan for 6 home sites located on Lincoln Lake. Has secured permit from KCRC for entrance. In process for soil and water tests with KCHD. Howard questioned the setback line in relation to the common element. Went over comments from Township Engineer Hegarty. (Attached) Zandstra showed where drainage ditch (on both sides of road) was to be located. Retention pond part of plan. It was noted that maintenance issues need to be addressed in the Master Deed. Road grades discussed. PC observed problem concerning the cul-de-sac setback. PC agreed that the ordinance requirements were difficult to interpret. Suggestion was made that ZBA could render an opinion on the subject. They meet next on the 17th. Wilcox motion to grant preliminary approval based on compliance with the items listed in the 2.2.98 correspondence from Jim Hegarty, including a utility plan, and contingent on a positive opinion from the Zoning Board of Appeals concerning the proposed cul-de-sac lot setbacks. Pfaller seconded, and the motion carried.

Mark Hammersma - Pre-application conference on Planned Unit Development.

28 acres on Foreman Rd. Under the normal requirements of the ordinance, with the minimum frontage and acreage, 21 lots are possible. Using the PUD specifications, a 25 lot plan was presented. There would be common elements such as a park-like entrance with a one acre pond, and a 50 foot wide common area surrounding the lots with a 4 foot wide walking path connecting all common areas. There would be public water with water mains to each site. Each site would have its own septic system. There is a potential cul-de-sac issue similar to the Harding proposal. An underground storm sewer is proposed to handle water runoff. Proposed lot size averages 7/10 acre. The applicants asked if there were any possibility of rezoning to smaller lot sizes? Weber responded that since water service is available there, probably not. Preliminary soil borings look good for septic. Underground gas & electric will be part of the plan. The applicants also mentioned a requirement for lot owners to install a gate in any back fence, if there will be one, to access the walkway. Lowell township has not been consulted with as yet. The applicants are viewing the requirement to use water as positive.

Design standards cannot be determined accurately until an illustrated test plan is drawn to scale. The applicants will further revise the plan, and will address the PC when ready.

Home Based Business Ordinance - PC discussed changes made by Doezema - See attached. It was noted that the term “commercial rental” has appeared again in the rental facility regulations on page 10, A. This will be removed. There was also some concern about the addition of #11 on pg. 9, concerning inspections. A lengthy discussion was held as to the need for township officials to inspect buildings. Doezema stated that it is a privilege to have a business on residential/agricultural property and that he feels the township needs to have the ability to inspect and enforce the allowed activity, but agreed that a court order could always be obtained if needed.

Ken Thuston stated that he can appreciate the need for the clause, but asked if a process would be used, such as receiving a written complaint, and following adopted procedures. PC felt that procedures would be needed. Dean Alger stated that he has consulted with his attorney, who has advised him that this ordinance is legal. He also feels that procedure is necessary. Doezema said that in the event of a violation, a citation could be issued under the Civil Infraction ordinance, and the procedures for that are already in place.

Al Baird stated that he does not like the proposed language addressing traffic, same for the noise. Several residents felt it needs to be further defined, or removed altogether. Weber stated that the intent of those references is to ensure that we don't ruin the rural agricultural atmosphere and residential nature of the township, and that the outside effects of businesses do not interfere with a neighbors rights. Hours of operation guidelines were also discussed. The PC asked Doezema to develop alternative language to address these issues.

Baird also feels there is no need to provide maps and legal descriptions (Pg. 6 #2). Doezema to change to “identify to the board the parcel and show where it is.”

The PC decided to hold a Public Hearing on this proposed ordinance at their March meeting.

In other business, it was determined that for a PUD project, the Public Hearing must be before the body making the final approval. Doezema pointed out a problem in the ordinance concerning site plan procedures, and who approves the applications. (See 201.502, D., 5. Should not be the Zoning Administrator, should be the PC.) He recommended that the PC revise and propose an amendment to the Board.

Gillett had joined the meeting at this point, and motioned to approve the draft of the Site Plan Review Procedure. Weber seconded, and the motion carried.

Howard motioned to recommend to the Board the appointment of a seventh PC member. Pfaller seconded, and the motion carried. It was also noted that the April meeting may need to be rescheduled due to several anticipated absences.

Mari Stone, Recorder
